REVIEW ESSAY

Commonwealth and "Commonism"

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Michael Hardt and Antonio Negri, *Commonwealth*. Cambridge, MA: Belknap Press of Harvard University Press, 2008, 448 pp. $35 cloth.

Peter Linebaugh, *The Magna Carta Manifesto: Liberties and Commons for All*. Berkeley: University of California Press, 2009, 376 pp. $40 cloth, $15.95 paperback.

Abstract

Both Michael Hardt and Antonio Negri in *Commonwealth* (2008) and Peter Linebaugh in *The Magna Carta Manifesto* (2009) want to put the commons and communism—understood as a form of society in which private property has been replaced by property in common—"back on the agenda." They even insist that just such a social and economic order "grounded in the common" is "already in process" and that communism is thus more relevant and possible than ever. To a certain extent, they are right. We need a functioning commons if human society is to remain viable. But we also need a functioning commercial economy capable of feeding the billions that human society has and most likely will continue to produce.

Both Michael Hardt and Antonio Negri in *Commonwealth*, the latest volume of their continuing collaboration, and Peter Linebaugh in his recent *The Magna Carta Manifesto* want to put the commons and communism—understood as a form of society in which private property has been replaced by property in common—"back on the agenda."[1] They also insist that just such a social and economic order "grounded in the common" is "already in process" and that communism is thus more relevant and possible than ever.[2]

All three authors are long-time activists as well as scholars who have made no secret of their political commitments. Negri has been a significant figure on the extraparliamentary communist Left since the 1960s. *Commonwealth* represents only his most recent effort to renovate the revolutionary aura of communism, which received a considerable boost in the early 1990s, after Negri teamed up with Michael Hardt, once his student and now a full professor of

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Italian and comparative literature at Duke University. [3] Their collaboration has attracted considerable attention, at least on the academic Left, and addresses a wide readership, including those "with a taste for combat" (by which Hardt and Negri do not mean members of the armed forces) (CW, 164). In addition, Hardt has published separately a careful and compelling introduction to the work of Gilles Deleuze, the influential French philosopher and social critic, and has edited the Declaration of Independence and other writings from Thomas Jefferson for Verso Books.[4] Finally, Linebaugh, too, is a well-known scholar and a committed activist. Along with his masterful social history of crime and the death penalty in eighteenth-century England and a history of the eighteenth-century Atlantic cycle of revolutions (coauthored with Marcus Rediker), he has penned several pamphlets and political tracts for the enlightenment of his friends and comrades.[5] His *Manifesto* apparently began as just such a pamphlet (MC, xiv).

Hardt and Negri's *Commonwealth* is the last volume of what has become a trilogy, beginning with *Empire* (2000) and continuing with *Multitude: War and Democracy in the Age of Empire* (2004).[6] From the beginning of their collaboration in 1994, Hardt and Negri have celebrated the unruly, occasionally insurrectionary resistance of those who would refuse the claims of power—all power; and they have championed the claims of the commons as a venerable and known alternative to the regime of private property and the state. Offering what one critic has called a "postmodern theory of revolution," they explicitly see their work as a "'Spinozian' reading, or rewriting, of [Heidegger's] *Being and Time*," which by "overturning the phenomenology of nihilism and opening up the multitude's processes of productivity and creativity . . . can revolutionize our world and institute a shared common wealth" (CW, xiii-xiv).[7]

Even postmodernists have to start somewhere, however, and Hardt and Negri start with the state. Indeed, I think it fair to say that the central thrust of all their work has been an attack on the state and its accompanying conceptions of sovereignty—including those most modern and (once) most revolutionary of forms, the democratic state and popular sovereignty. Of course, they have not criticized democracy and the democratic state from the standpoint of a different, supposedly more unitary and effective instrument of power; nor have they criticized popular sovereignty or "the people" from the standpoint of a different and supposedly more worthy and qualified sovereign. Their attack has come instead from the Left; and it is an attack on all states, including democratic ones, as well as an attack on all sovereignties, including the most popular.

Empire created quite a stir when it appeared in 2000.[8] It combined the assault on the state begun in *Labor of Dionysus: A Critique of the State-Form* (1994), their first joint venture, with an analysis that purported to find in the ungovernability of the globe, and in the absence of any established transnational political authority, proof both of the bankruptcy of states and of their impending demise.[9] Far from being worried about the coming collapse, they celebrated it. Why worry about failed states when the idea of the state has itself failed? Processing the classical theorists of the overthrow of capitalism (Marx, Lenin,

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Luxemburg, and Fanon) through the conceptual machinery of Nietzsche, Foucault, Deleuze, and Guattari, Hardt and Negri produced a spirited, albeit abstract account of what they saw as a new imperial network of global power, centered on (but by no means mastered by) the United States. In this emergent Empire, they argued, whatever the immediate disasters, "the multitude"—the newly mobile, newly contingent, newly deskilled, emerging majority of the global workforce thrown up by the changing requirements of capitalist production and valorization—would finally be able to achieve its ongoing liberation and self-creation.

In an early review, while sharply critical of its "idealized and idealistic view," Giovanni Arrighi described *Empire* as "a powerful antidote to the gloom, suspicion and hostility that have characterized the dominant reaction of the radical left to the advent of so-called globalization."[10] Hardt and Negri did temper their optimistic vision with an acknowledgement that the impending liberation was still far from won, and with a caution that winning it would involve many difficult struggles—not to mention, almost certainly, the use of violence. Nevertheless, they were also at pains to insist that despite the many apparent setbacks of the revolutionary project, and despite the apparently overpowering and all-encompassing nature of the counterrevolutionary forces arrayed against it, the logic of the globalizing process, the contradictions of the capitalist production process, and the requirements of capitalist rule—"the great sovereign machine"—were such that the very moment of capitalism's global triumph as an (American) Empire was also the moment of its imminent (and immanent) undoing.[11]

The second volume, *Multitude* (2004), appeared in the wake of the 2001 attacks on the World Trade Center and the Pentagon and the subsequent invasions of Afghanistan and Iraq. It continued Hardt and Negri's campaign against the state-form, beginning with a critique of eighteenth-century revolutionary notions of an ordered, virtuous, and free People (which I capitalize here in order to emphasize its role in their argument as a singular political substantive). In effect, the People, Hardt and Negri insisted, is bunk, little more than the obfuscation of authority, a *potestas* (oppressive power) upon which the modern state is built and thus the implacable enemy of the "multitude," whose desires and *potentia* (creative power) are always overflowing its bounds. With the Bush administration's response to the 9/11 attacks, and especially its declaration of a more or less permanent "war on terror," Hardt and Negri declared that classical sovereignty and its offspring, the state, had passed into a permanent "state of exception"—which both exposed the violence at its core and left its legitimacy in tatters. Arrayed against this "state of exception" was an open multitude composed of "singularities" (i.e., a loosely defined, heterogeneous collection of autonomous and free individuals, each different in a different way), not to be confused with a class or identity group (i.e., tightly defined, homogeneous masses of people, each the same in the same way), which taken together, and assumed to include "the global poor," Hardt and Negri present as the new agents of the revolution.

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This "multitude," they argued, has been simultaneously forced by circumstances and impelled by desire to challenge Empire's "biopower"—that form of power, best known from the work of Michel Foucault, supplemental to but decisively different from the centralized, external power of the state, which is marked by the dispersed internalization of oppression by the oppressed.[12] While not wholly without merit, their discussion does involve several sleights of hand, especially where they assert a unity of interest between the knowledge workers of the new economy, whose circumstances most closely fit those they ascribe to the singularities of their multitude, and the global poor, whom they are determined to enlist in their cause. They effect this alliance, metaphorically at least, by conveniently redefining "the poor" as "not those who have nothing" but rather as "the wide multiplicity of all those inserted in the mechanisms of social production regardless of social order or property"—by which I understand them to mean anyone who lacks significant power or property (CW, 40). On this basis they insist, "We are the poors!"[13] And on those terms, I guess most of us are. But most of the global poor to whom Hardt and Negri are referring have little in common with the new workforce of the postindustrial economy with which they metaphorically ally them.[14] Of course, since the multitude is a multiplicity of differences rather than an identity of interests, this divergence is of no consequence for the overall argument! In fact, however, the bulk of the global poor is still much more likely to be mired in a more old-fashioned politics of necessity. Far from resisting proletarianization, they often demand it.[15] Hardt and Negri's new-wave nomadic politics of desire is primarily for those better situated.

In *Commonwealth* Hardt and Negri promise to offer a vision of the new world being birthed by their multitude, an alter-modernity (i.e., "other" or changed modernity) founded on a universal commons. They begin, first, by again dismissing the modern democratic state as merely "the republic of property," urging that it be replaced by a new social order in which everything, everywhere, is open to and enjoyed by all. In their view, modernity, as an emancipatory *and* a colonial project, is fatally compromised. They will have nothing to do with it. Instead they call for a complete break with modernity. The social basis for this rupture, they argue, is the changed structure of capitalist production in the last half of the twentieth century, which has resulted in a radically new "technical composition of labor." The emergent "immaterial" character of this labor both undermines the traditional structures of sovereign power and determines the most effective forms of revolutionary organization and struggle. Where industrial workers once foreshadowed the shape of the future and were correctly seen by Marx as the bearers of revolutionary change in the late nineteenth and early twentieth century, the new agents of the revolution, Hardt and Negri argue, are now the immaterial workers of the emerging postindustrial network society (contingently employed, creatively engaged, and concerned more with affect than effect, caring than cargo) as well as the many millions displaced from their traditional employments by continuing capitalist encroachments referred to by some as "the new enclosures."[16] The way

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forward does not lie with traditional forms of socialist or communist power, but with the new society of the commons and of autonomous labor that the evolving nature of production and labor in the capitalist society-as-factory has brought into being.

The principles upon which Hardt and Negri would base this emergent society of the universal commons, a utopia of autonomy and freedom, and the means by which they would effect it, are the focus of the last part of *Commonwealth*, as well as of the epilogues attached to each chapter and the "Intermezzo" between the first and second parts of the book, which can be read separately as a single coherent argument. Anyone looking for a blueprint to freedom's house, however, will have to look elsewhere. Hardt and Negri make some telling points: The global system is marked by a changing technical composition of labor and a distinctive new form of power that provides opportunities as well as threats; ordinary people everywhere are creative, striving and not only capable of self-organization but also always self-organizing; and without an appreciation of the commons, there is little prospect that we will be able to avoid either an economic or an environmental catastrophe. But the effect of the whole is less than the sum of its points. Hardt and Negri write in a "High Church" speculative register that leaves little room for either doubt or proof. The argument issues *ex cathedra*:

> Looking at our postmodern society, in fact, free from any nostalgia for the modern social bodies that have dissolved or the people that is [*sic*] missing, one can see that what we experience is a kind of social flesh, a flesh that is not a body, a flesh that is common. . . . The flesh of the multitude is pure potential, an unformed life force, and in this sense an element of social being, aimed constantly at the fullness of life. From this ontological perspective, the flesh of the multitude is an elemental power that continuously expands social being, producing in excess of every traditional political-economic measure of value. You can try to harness the wind, the sea, the earth, but each will always exceed your grasp.[17]

One may find similar flights on almost every page of any of their texts. As a result, we are promised much but left little.

Where Hardt and Negri do get down to specifics, they seem in too much of a hurry to worry about the details. For example, the brief account in *Multitude* of the 1787 Massachusetts protest movement inaccurately known as "Shays' rebellion" is woefully uninformed, even though well sourced.[18] Their account of the relationship between Taylorism and the workers' council movement, which plays an important, repeating part in their overall argument, is backward: Taylorism was not a response to the councils. Rather, the councils were a response to it.[19] Much of their discussion of the changing "technical composition of labor" is similarly slipshod, as are their several forays into the economic history of capitalism. Many of the characteristics of the new capitalism that they describe in chapters three and five of *Commonwealth* as of recent origin will be familiar to historians who have studied earlier periods of capitalism's

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emergence and continuing transformation.[20] They also generally ignore the fact that the unitary character of sovereignty, of which they are sharply critical, had already been overthrown theoretically and practically by the American Revolution and its ideological defenders, who long ago trashed the notions that sovereignty was indivisible and the sovereign was always One. On the contrary, James Madison and other theorists of the American Revolution insisted that sovereignty can and must be divided and that the sovereign was a multiple—literally a "we, the people."[21] Hardt and Negri, in this sense, are still arguing with Hobbes and Rousseau, even though the discussion has already moved to a different place, with effects that Alexis de Tocqueville, among others, have already charted.[22]

It might be easier to forgive Hardt and Negri these failings if they were more willing to forgive the failings of others. Their generosity to those who do not happen to share their views, however, especially when they share their goals, is in short supply. Throughout their work together they privilege certain sites of struggle over others. For them "some of the traditional models of political activism, class struggle and revolutionary organization have today become outdated and useless."[23] Among these outdated forms they include all types of participation in representative political institutions and processes, traditional trade union organizations and collective bargaining struggles, and even more broadly based efforts to secure fair recognition and reward at the workplace and the wider community, both from the local powers and through them from the "higher-ups," not to mention "the corrupt forms of the common, such as the family, the corporation, and the nation" (CW, 370). They disparage these sites of struggle not only because they are "corrupt" but also because they are reformist (i.e., seek to compromise with capitalist "biopower" rather than continually to resist it). Doing so, Hardt and Negri believe, strengthens rather than enervates capital. As I read them, compromise is the "fascism" against which Foucault warned and Deleuze and Guattari wrote.[24] On Hardt and Negri's account, then, social democracy is little more than the most developed form of capitalist biopower—nothing but fancy dress to beautify its naked force.

By refusing to grant these traditional forms of activism any legitimacy as recognized points of challenge to the domination of capital, Hardt and Negri isolate themselves from the struggles that the overwhelming majority of working people conduct every day. They place their hopes instead in the creation and spread of a liberatory form of biopower that would enable the multitude to dispense with the state altogether. They call this dispensation "the biopolitical production of the commons" and argue that it is already closely approximated at the various sites and varieties of "immaterial labor"—cognitive, symbolic, affective, aesthetic, etc.—which are, they say, characteristic of the new economy of global capitalism. This "immaterial labor" is the social basis of their new communist revolution, which will have none of the limitations of the old. Rather it will make "true liberation" (complete and continuous self-creation) and "real democracy" (substantive, direct, and participatory) possible for the first time. It is the revolution the movement has been waiting for,

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a rupture, a "line of flight," on the promise of which everyone is urged, yet again, to refuse all compromise.

Why is the biopower of the multitude liberatory while that of capital oppressive? The contrast has in part to do with Machiavelli's classic observations about the different circumstances and, therefore, the different interests of each. The principal interest of an elite, he observed, is to dominate and thus to ensure its ability to rule; the principal interest of the multitude is not to be dominated and thus to protect itself from the more powerful.[25] To mark this difference, Hardt and Negri refer not to the multitude's "biopower" but rather to its "biopolitical production," which they present as the process by which the multitude cooperates to effect a commons free of domination and exploitation (CW, 345–55, 363–67). This is fine, as far as it goes, and it may well be so. But Machiavelli understood the different interest of the multitude as a function of its relationship to the elite: Abolish the elite or otherwise change the relationship, and the interest changes, too. There is thus no easy, magic path to freedom. Even in relation to an elite, the multitude's "biopolitical production of the commons," whatever one calls it, has all the same articulation and cooperation problems that a competitive market does—because it is based on a very similar posited structure of networked social action. We can try to wish away all the different interests and contending forces within the multitude, however defined, but doing so will have no effect. Neither will an appeal to an invisible "body-without-organs" instead of to an invisible hand. It, too, is only a magic act. There is no reason to assume and no evidence to show that a networked productive multitude, without an appeal to political power or authority, can manage the large-scale (and small-scale) coordination problems associated with all forms of decentered cooperation any better than can networked commercial enterprises.[26]

How to handle the problems of consultation and coordination on a large (and small) scale has long been a central concern of democratic political theory, and there is much to be learned from it.[27] Modern democratic forms, including popular sovereignty, representation, elections, separation and balance of powers, and federalism, among other devices, were developed to enable democratic power both to acknowledge its internal limits and to meet, in democratic ways, the challenges of the external resistances, material and spiritual, it necessarily encounters. Hardt and Negri weaken their argument considerably by failing seriously to explore the possibility that representative electoral governments based on popular sovereignty, constitutional governments based on law, and federal governments based on the separation and balance of powers, as well as collective bargaining, contract unionism, and employment rights, also belong among the "thousand plateaus" where the multitude produces freedom and equality for itself.[28] By not doing so, or by doing so only to deny their gains, they block off many of what appear to me to be the most important avenues of advance.

In addition to a long tradition of popular and practical democratic theory, there is also a long, separate tradition of popular struggle to create and sustain

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the commons, as Linebaugh makes clear. The desire for a commons is not a function of any new hegemony of "immaterial labor." Rather it is an expression of the aspirations and powers of working people, who have always struggled for due recognition and fair reward for their part in "producing life." The concept of natural law, for example, has been used not only to defend as unalterable the existing "natural" order of things, but also to attack as indefensible the existing "unnatural" order—and thus to expand and defend a conception of the commons. Trade unionism itself is one of the most prominent and successful forms of such struggle. Where it has taken hold, it has extended the tradition of common rights known in agrarian settings to the new commons created by modern manufacturing and commercial services. Social democracy, too, has been successful in extending and defending the notion of common rights to new areas and entitlements. To treat these struggles and gains as if they were merely a mask of exploitation, as Hardt and Negri do, and to lump the defenders of popular sovereignty with those of divine right, the defenders of free trade with those of monopoly trade, the social democrats with the social autocrats, is to frame the problem in so one-sided a way, and to limit the available solutions so sharply, that the only politics left is, not surprisingly, "performative" and carnivalesque.

Of course, this is part of the work's appeal. It is a majestic metaphysical edifice to which those who prefer their politics dramatic and gestural rather than prosaic and practical can point for inspiration and justification.

Linebaugh's *Magna Carta Manifesto* is also constricting, but for different reasons. It begins with what is, at least for me, the revelation that there were *two* great charters of English liberty promulgated in the thirteenth century: Magna Carta (1215), which limited the power of the crown and established certain rights to all "free" members of the realm; but also the Charter of the Forest (1225), which "saved common of pasture for all those 'accustomed' to it" and protected other common rights to English woodlands (MC, 42). It is the burden of Linebaugh's argument to insist that both these documents are central to the history of English liberty—in effect, without commons, there is no liberty—and that they ought to be treated as inseparable joint products, legacies of the continuing struggle for "liberties and commons for all," broadly conceived. He makes his case systematically. The first three chapters of *Manifesto* present the problem (namely, why was Magna Carta remembered and the Charter of the Forest forgotten), the middle six chapters tell a history (by forgetting the forest charter, the meaning of Magna Carta was perverted to serve the ends of private rights and property rather than those of the commons), and the last three chapters offer "materials for a solution," inspiration and resources for a movement to revive the commons and "commoning" in our own time (MC, 8).

Along the way, Linebaugh explores the origins and historic relationships between Magna Carta and the Charter of the Forest from the thirteenth century down to the present, tracing the elevation of the former to the status of fundamental law and the simultaneous demotion of the latter to little more than a relic. He contrasts the Declaration of Independence unfavorably to

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Magna Carta and the Charter of the Forest, arguing that the latter were "document[s] of reparations," returning the forest to those from whom it had been taken, whereas the Declaration was a "document of acquisition," which excused "a continental land grab" and a war against its original inhabitants (MC, 124). The Charter of the Forest, he also notes, would have had a beneficent influence in British India, where the forest policy of the colonial authorities had disastrous effects on the colonized.[29] "The forest was the people's safety net" (MC, 149). Depriving them of access to it, as the British colonial office did, had the predictable consequences: "Indian famine joined the English enclosures, the American frontier, the Scottish clearances, African slavery, and the Irish famine as historical synecdoches of primitive accumulation when terror accompanied the brutal separation [of labor] from the means of subsistence" (MC, 147).

There is much here, as there is in all Linebaugh's work, to learn from and to admire. *The Magna Carta Manifesto*, however, is less a history of the commons than a collection of anecdotes about common rights through the ages. It is at once global and antiquary, tight and disjointed, proceeding both by coincidental association and discovered links in a determined process. Consider, for example, his discussion of the Declaration of Independence as a "document of acquisition." To be sure, it was part of a national project that began and culminated in the expropriation of land originally settled by others; and it was, to all intents and purposes, a declaration of war as much as of independence. Still, it was not issued to excuse the conquest of one group of peoples by another; and its appeal to the self-evident truths that "all men are created equal," "endowed by their Creator with certain inalienable rights," was not entirely hollow. That the extension of social and political liberties in the primarily English settler communities off the western north Atlantic coast, consequent upon the success of their war for independence, created a social force that overmatched the indigenous tribal peoples of the region is clear. So too is the fact that the revolutionary war itself pushed the boundaries of the original settlements further west than they had ever been. But if, therefore, the Declaration of Independence ought not to be seen as simply a document of emancipation and freedom, neither ought it to be reduced to a "document of acquisition." To do so is to sacrifice understanding on the altar of effect.[30] The method does give the book a sharp critical edge, but it also gives it an antiquarian feel, albeit of a radical sort.

Linebaugh's *Manifesto* nevertheless consistently surprises. For example, he finds in Rudyard Kipling's *Jungle Book*, discussed in chapter seven, "The Law of the Jungle," "a socialist code of conduct." First, he tells us, "jungle" derives from *jangli*, "a Hindi word meaning waste or forest" (MC, 162). It is associated with a time of "wildness" before "tax collectors, land demarcation, and forest guards," a time "when freedom prevailed, along with hunting, fishing, gathering, shifting cultivation, and collecting mahua flowers and seeds" (MC, 162–63). Second, the word used by the Dang, a forest people in Gandhi's home region of Gujarat in western India, to denote this time of freedom is *moglai* and the main character in

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The Jungle Book is named Mowglai. "Thus," he concludes, "Kipling in his Mowglai stories summons up not a golden age nor a garden of Eden but a specifically Indian characterization of a recently lost commons" (MC, 163).[31]

Moreover, no sooner do we finish his loose-limbed meditations on English forest policy in India, a veritable rattle bag of associations of which the Kipling discussion is a part, than Linebaugh offers a close quantitative and qualitative analysis of US Supreme Court decisions between 1790 and 2005 that cited Magna Carta. There were 195 such cases, distributed more or less evenly across the whole period, with a slight tendency to cluster toward more recent times. In these cases, Magna Carta is cited 407 times, with ninety-three references in just three decisions, where it is put to both substantive and "ornamental, rhetorical, and ideological" use (MC, 181). "The key to understanding Magna Carta in the United States," Linebaugh submits, "is private property" (MC, 184). The ancient charter was more likely to be cited in defense of power and private property than of liberty and common property.[32] In this way, according to Linebaugh, a document originally intended to limit the takings of power is deployed to defend these takings—as well as the conquests, the slavery, and the unrestrained competition that made them possible.

At a deeper level, where Hardt and Negri can be faulted for insufficient or inadequate philosophizing, Linebaugh is vulnerable to a charge of insufficient historicizing. *The Magna Carta Manifesto* is centrally concerned with the "common rights" in woodlands and fields, and with the "commoning" traditions of which they are the expression. But where did these woodlands and fields come from? Linebaugh gives us a history of the defense of common rights and commoning traditions associated with settled agricultural societies but he does not—perhaps no one can—give us a history of their institution, which goes back to the beginning of agriculture and trade themselves.[33] We can nevertheless imagine that when the ancestors of latter-day commoners were struggling to secure rights to the output for which their labor was indispensable, there were others who refused this struggle as a devil's bargain and argued instead for maintaining the communal ways of their previous foraging life. Rather than seeking a common right in the outputs yielded by the arduous and monotonous toil of agricultural labor, they remained foragers and sought to continue to enjoy unburdened the benefits of what Marshall Sahlins once dubbed "the original affluent society."[34]

As Wade Davis, Ronald Morris, and others have eloquently argued, we owe a continuing debt to those who preserved these very ancient ways, not least their reverence for and relative harmony with the rest of nature.[35] We also owe a continuing debt to those who chose differently and struggled to create common rights in the new agricultural societies—struggles that were more or less successful and that did create a host of rights, which have come down to us as themselves "ancient ways." To these struggles we owe the idea that the natural commons—the bounty of the uncultivated earth and the fruits thereof, in which we all have a right to share—ought to and can serve as a model for the social commons—the produced bounty of human toil.

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Unfortunately, it is just this moment of innovation, this vast expansion of the commons from the natural to the social that Linebaugh, with his insistent rejection of "the commodity" and all its consequences, misses. And he misses it twice: first, when the institution of settled agriculture led to a vast expansion of output (and potential commons) that enabled human population to grow exponentially; and second, when the expansion of output (and potential commons) consequent upon the rise of the energy-intensive methods of production characteristic of the industrial revolution enabled another qualitative leap forward.

The choice we face in managing the latter transition, in the midst of which we still find ourselves, is very similar to that which our ancient forebears confronted when forced to decide whether to "agriculturalize." They, too, had to decide whether to struggle over the distribution of work and reward possible in an agricultural society, and, if so, to do so in ways that expanded, if they could, the egalitarianism, mutuality, and reverence for nature characteristic of their traditional ways. Those who refused this choice focused instead on protecting and preserving their established foraging way of life, opting to practice, in known ways, important and cherished values. The rest were left to realize these same values in new ways, even in the face of the determinedly hostile circumstances presented by the starkly unequal, competitive, and cynical world of the new urbanizing agricultural societies; and many did. These struggles persist. But so does the struggle of industrial producers to assert a common right in the output of *their* labors, in all its forms and with all its obligations and privileges, and to secure "a fair day's wages for a fair day's work." It is this last struggle that, in their complete and total rejection of the "commodity economy"—"capitalism," in misleading common parlance—both Hardt and Negri and Linebaugh unfortunately ignore. As a result, they cut themselves off more or less completely from the struggles of literally hundreds of millions of trade unionists worldwide to expand common rights to the new forms of output made possible by the new methods of production—and to create a new commons compatible with the new fields of endeavor that financial and technological innovation have brought in their train.

Linebaugh in particular sees "the commons" as unalterably and forever opposed to "the commodity" and hopes therefore not so much to expand the former as to abolish the latter. This hope seems to me misplaced. Commons and commodities in fact require each other. It is impossible for one to exist without the other. Neither sharing nor mutuality are conceivable without some kind of private property rights, however transient, and therefore without some kind of "commodity," however insubstantial. Without private property rights, there is no having and therefore no sharing (or mutuality). For similar reasons, no less an authority on the commodity economy than John Locke long ago defended common rights as indispensable to a sustainable commercial system. Private property and enclosures, he noted, had the potential to expand greatly the available commons, providing all with more to share than ever before, if only they could figure out how to do it.[36] In fact, as I have just been arguing, the (at least partial) commodification of nature's output

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through the institution of settled agriculture created the surpluses that made it possible to support a vastly expanded population by commoning, among other ways. Without this commodification, the land, sea, and air would sustain a much smaller number of people, many fewer creative singularities. The further commodification of the product of human labor during the process of industrialization led to additional surpluses that supported an even larger human population—with the result that, at this point in the journey, the alternative to commodification is catastrophe. Commodification, however, does not preclude, and has not precluded, a protected and shared commons, without which there will be a different catastrophe.

The challenge is not simply to preserve existing common rights but to expand them to the new (and still developing) commons. These new commons must encompass not only surplus manufactured products and services but capital itself—the productive potential and future wealth of the society as a whole. When wage earners insist on being paid enough to live whole and dignified lives, they are insisting that the product of their labor be shared on the basis of common right, rather than on that of the "going price" or their imputed "marginal productivity." When citizens demand the expansion of social rights to ensure provision of adequate food, clothing, shelter, education, health care, recreation, and culture, they are demanding that the output of the whole society be shared in the name of a common rather than a private good. When governments, at the insistence of the populace, require accountability from investors and other capitalists, they are requiring that the accumulated wealth of the community be deployed in ways that enhance the common wealth and benefit us all. But if we are to have an expansive commons of this sort and keep it, our politics will have to be more than simply a performance or a carnival. Please, let us have fun. But somebody needs to pick up after the clowns, sweep up after the elephants, and make sure that the whole traveling circus gets safely to its next destination.

NOTES

1. Peter Linebaugh, *The Magna Carta Manifesto: Liberties and Commons for All* (Berkeley, 2008), 20. Hereinafter cited in text as MC.

2. Michael Hardt and Antonio Negri, *Commonwealth* (Cambridge, MA, 2009), x. Hereinafter cited in text as CW.

3. For a convenient history of Negri's role, see Yann Moulier, "Introduction" in Antonio Negri, *The Politics of Subversion: A Manifesto for the Twenty-First Century* (Cambridge, England, and Malden, MA, 2005 [1989]). For Negri's more recent views, see Antonio Negri, with Raf Valvola Scelsi, *Goodbye Mr. Socialism* (New York, 2006).

4. Michael Hardt, *Gilles Deleuze: An Apprenticeship in Philosophy* (Minneapolis, 1993); Thomas Jefferson, *The Declaration of Independence*, Michael Hardt, ed. (London, 2007).

5. Peter Linebaugh, *The London Hanged: Crime and Civil Society in the Eighteenth Century* (London, 1991); Peter Linebaugh and Marcus Rediker, *The Many-Headed Hydra: Sailors, Slaves, Commoners and the Hidden History of the Revolutionary Atlantic* (Boston, 2001). Linebaugh's pamphlet on the red and the green, "The True, Incomplete, Authentic, and Wonderful History of May Day" (1986; 1999), is online at http://www.midnightnotes.org/mayday, accessed February 13, 2010.

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6. Michael Hardt and Antonio Negri, *Empire* (Cambridge, MA, 2000) and *Multitude: War and Democracy in the Age of Empire* (New York, 2004).

7. Michael Rustin, "*Empire*: A Postmodern Theory of Empire," in Gopal Balakrishnan, ed., *Debating Empire* (London, 2003), 1. Hardt and Negri's corpus does read like an extended gloss on Michel Foucault's famous preface to Deleuze and Guattari's *Anti-Oedipus*, in which he urges readers to "free political action from all unitary and totalizing paranoia" and to "withdraw allegiance from old categories of the Negative," including law and limit, among other things, so as to counter "all varieties of fascism, from the enormous ones that surround and crush us to the petty ones that constitute the tyrannical bitterness of our everyday lives." See Gilles Deleuze and Felix Guattari, *Anti-Oedipus: Capitalism and Schizophrenia*, trans. Robert Hurley and others (Minneapolis, 1983), xiii–xiv. Jean-Luc Nancy calls for a "Spinozian" rewriting of Heidegger in *The Birth to Presence*, trans. Brian Holmes and others (Stanford, 1994), 407, n56.

8. One nationally prominent and very successful organizer told me at the time that the book had been urged upon him. He said he didn't finish it but got the impression that the authors had no sympathy for the powerful, a sentiment he shared!

9. Michael Hardt and Antonio Negri, *Labor of Dionysus: A Critique of the State-Form* (Minneapolis, 1994).

10. Giovanni Arrighi, "Lineages of Empire," in Balakrishnan, *Debating Empire*, 29, 37. This volume includes other critical reviews. See also Jodi Dean and Paul Passavaunt, eds., *The Empire's New Clothes: Reading Hardt and Negri* (New York, 2003).

11. Negri, *Goodbye Mr. Socialism*, 18.

12. The canonical references to Foucault are Michael Foucault, *Discipline and Punish: The Birth of the Prison* (New York, 1979) and *The History of Sexuality, Volume I: An Introduction* (New York, 1980).

13. Hardt and Negri, *Multitude*, 129.

14. A reasonably large number of those at the bottom of the global labor market do work in the health, hospitality, and personal services industries. But they are not the majority, who must still do a great deal of hard labor in the "material" sector for meager returns, except where they are fortunate enough to be employed by prosperous and well-capitalized enterprises.

15. On proletarianization as a working-class demand, see Immanuel Wallerstein, *Historical Capitalism* (London, 1983), 36–37. For more detail see Giovanni Arrighi, *The Political Economy of Rhodesia* (Mouton: The Hague, 1967) and "Labor Supplies in Historical Perspective: A Study of the Proletarianization of the African Peasantry in Rhodesia," *Journal of Development Studies* 6:3 (1970), 197–234, reprinted in Arrighi and John Saul, eds., *Essays on the Political Economy of Africa* (New York, 1973).

16. On "the new enclosures," see David Harvey, "Accumulation by Dispossession," *The New Imperialism* (Oxford, 2003), 137–82.

17. Hardt and Negri, *Multitude*, 192.

18. Ibid., 247–49. The twelve people indicated and tried for their parts in the rebellion were not executed. All were pardoned. Two young men were convicted of raiding and robbing the homes of government officials and militia officers in June 1787, several months after the rebellion had ended and Daniel Shays, among others, had long fled the state. But they weren't among the twelve to which Hardt and Negri (or their source) referred. Expecting the same exoneration as the other rebels had received, they died on the gallows. The punishment was disproportionate to the crime and, as an injustice, contemptible. Nevertheless, it was imposed because it could be seen, at least by some, rightly or wrongly, as separate from the protest. (At least it appears to have been so seen by the appeals tribunal. The victims, the presiding minister at the execution, and the author of at least one published account of the hangings, however, did not agree; for them, it was very much tied up with the rebellion. See the story bylined "Lenox, Dec. 8th, 1787" in *The Hampshire Gazette*, December 19, 1787.) Also, while the armed resistance was crushed, the larger movement of which these violent popular actions were a rump part was successful: The measures protested were repealed. I regret to say that Hardt and Negri base their account on information drawn from Howard Zinn, *A People's History of the United States* (New York, 1980; 1999), 91–95, which is similarly and generally not to be relied upon as accurate. Hardt and Negri, however, don't even get Zinn right. He refers to twelve rebels being tried and sentenced to death and then observes that "[s]everal hangings followed; some of the condemned were pardoned"—

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still off but closer to the mark. For more reliable discussions, see David P. Szatmary, *Shays' Rebellion: The Makings of an Agrarian Insurrection* (Amherst, MA, 1980) and Leonard L. Richards, *Shays's Rebellion: The American Revolution's Final Battle* (Philadelphia, PA, 2002). Sean Wilentz and I have also offered a different interpretation of the movement as a whole in "The Invention of American Politics," in *The Key of Liberty: The Life and Democratic Writings of William Manning, 1747–1814*, Michael Merrill and Sean Wilentz, eds. (Cambridge, MA, 1993), 21–28.

19. Taylorism was a response to the ability of craft workers to exercise more control over production than managers desired. But the new-style "Taylorist" management successfully challenged this control at the end of the nineteenth and the beginning of the twentieth century. The council movement was a response to this success. See David Montgomery, *Workers Control in America: Studies in the History of Work, Technology, and Labor Struggles* (Cambridge, England, 1979) and *The Fall of the House of Labor: The Workplace, the State, and American Labor Activism, 1865–1925* (Cambridge, England, 1987), for American perspectives. See also Alfred Chandler, *The Visible Hand: The Managerial Revolution in American Business* (Cambridge, MA, 1977) for the perspective of management; and Thorstein Veblen, *The Engineers and the Price System* (New York, 1921) for an indispensible contemporary view.

20. Of course, it is also hard to pin any of this down precisely, since Hardt and Negri eschew the conventional standards of evidence and proof that even Marxist economic historians take for granted. Theirs is not a quantitative study, even when it could be.

21. Gordon Wood, *The Creation of the American Republic, 1776–1787* (Chapel Hill, NC, 1969) is indispensable on these points.

22. Even their literary critical glossing must be treated cautiously. Thomas Gradgrind, one of the principal characters of Charles Dickens's novel *Hard Times*, was not "the soulless factory owner" (CW, 312) but a merchant retired from the "wholesale hardware trade" (*Hard Times,* chapter three, paragraph five), the softening of whose soul by his daughter's concern for others is one of main subplots of the story.

23. Hardt and Negri, *Multitude*, 68.

24. See note 6 *supra*.

25. Niccolò Machiavelli, *The Discourses*, Leslie Walker with Brian Richardson, trans., (Harmondsworth, England, 1998 [1519]), Section I.5, 116.

26. There is actually a large literature on both the possibility and the limits of such cooperation. For recent overviews, see Matt Ridley, *The Origins of Virtue* (New York, 1998) and Mark Buchanan, *The Social Atom: Why the Rich Get Richer, Cheaters Get Caught, and Your Neighbor Usually Looks Like You* (New York, 2007). For the more advanced readers, there is Samuel Bowles, *Micro-Economics: Behavior, Institutions, and Evolution* (New York and Princeton, NJ, 2004). There is also a large and persuasive critical literature on the reasons why wholly ungoverned networks, whether markets or cooperatives, are never perfect. For one intriguing introduction to this literature, see Joseph E. Stiglitz, *Whither Socialism* (Cambridge, MA, 1994), which makes the case for seeing the perfect competition of market fundamentalists and the perfect cooperation of anarcho-communists or the perfectly transparent planning of the state socialists as two sides of the same coin.

27. For an indispensable summary of this literature, see Ian Shapiro, *The State of Democratic Theory* (Princeton, NJ, 2003).

28. To be fair, I should note that Negri devoted considerable effort to the critical consideration of these issues early in his career, as the essays collected in *Labor of Dionysus* testify. But the restatement of his conclusions in the most recent work still does not convince.

29. The line of influence went both ways, as is evident from the following appeal from John Sinclair, president of the English Board of Agriculture, who "spearheaded the passage of Parliamentary enclosure bills" at the end of the eighteenth century (MC, 131). "Let us not be satisfied," he urged, "with the liberation of Egypt or the subjugation of Malta, but let us subdue Finchley Commons; let us conquer Hounslow Heath, let us compel Epping Forest to submit to the yoke of improvement" (MC, 142–43).

30. Unfortunately, this is not the only such sacrifice in *Manifesto*. See also, for example, Linebaugh's reductive interpretation of passages from Shakespeare's *The Life and Death of King John* (1596) (MC, 61–63).

31. Linebaugh noted that the headmaster of Kipling's English boarding school, which catered to the children of lesser English colonial officials in the Indian Civil Service, was "sympathetic to the socialist outlook of William Morris" (160). But he seems to have missed the fact

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that Morris was a close friend of Rudyard Kipling's uncle, a well-known artist, at whose home the young Rudyard spent many a happy vacation period. Morris was a frequent visitor and often joined the games of the children, who knew him as "Uncle Topsy." Rudyard Kipling, *Something of Myself: and Other Autobiographical Writings* (Cambridge, England, 1990), 8. Linebaugh also doesn't mention that we can hear in "Mowglai" an echo of *mughlai*, which is a Bengali, Hindi, and Urdu word for "Mughal" or "Mongol," a reference to the sixteenth-century Muslim invaders of the Indian subcontinent from Central Asia.

32. The three decisions were the 1842 ruling in *Martin v. Lessee of Waddell*, concerning common rights to oyster bed fisheries in New Jersey's Raritan Bay (sixteen citations: The court upheld the common rights); the 1884 decision in *Hurtado v. California*, concerning whether the Fourteenth Amendment to the US Constitution required that states comply with the Fifth Amendment prohibition against indictments for capital crimes by some procedure other than a grand jury (thirty-three citations: The majority ruled that the state did not have to so comply); and a 1989 case, *Browning-Ferris Indus. v. Kelco Disposal*, concerning punitive damages awarded Kelco in a suit against Browning-Ferris (forty-four citations: The majority found the Eighth Amendment prohibition against cruel and unusual punishment did not apply).

33. For example, see Leviticus 19:9–10 and Deuteronomy 23:24–25, 24:19–22 for references to some of the received common rights in ancient Israel.

34. Marshall Sahlins, *Stone Age Economics* (New York, 1972), 1. We see the fruits of their choice all around us, in the persistent settlements of indigenous peoples that continue to exist, however precariously, about the world. For a comprehensive treatment, see Ken S. Coates, *A Global History of Indigenous Peoples: Struggle and Survival* (New York, 2004). The inhabitants of such societies number approximately 350 million people, compared to the human settlements of two million to twenty million estimated to have existed before the institution of agriculture. For the contemporary estimates, see ibid., 12; and "Indigenous Peoples—Who Are They?" posted on the website of the International Work Group for Indigenous Affairs (IWGIA), under "Indigenous Issues"/ "Identification of Indigenous Peoples" at http://iwgia.org/sw641.asp, accessed February 19, 2010. For a range of sources on the pre-agriculture size of the human population, see Joel E. Cohen, *How Many People Can the Earth Support?* (New York, 1995), 77.

35. See, for example, Wade Davis, *Light at the Edge of the World: A Journey through the Realm of Vanishing Cultures* (Vancouver, 2007); *idem.*, *The Wayfinders: Why Ancient Wisdom Matters in the Modern World* (Toronto, 2009); and, Ronald Wright, *A Short History of Progress* (Cambridge, MA, 2005).

36. John Locke, "The Second Treatise of Government: An Essay Concerning the True Original, Extent, and End of Civil Government," in *Two Treatises of Government*, Peter Laslett, ed. Revised Edition (New York, 1965), Chapter V: On Property, 327–44, esp. Sections 31–33, pp. 332–33.

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