

# THIS LAND IS OUR LAND

## The Fight to Reclaim the Commons

[transcript]

**TEXT ON SCREEN:** *“If you steal \$10 from a man’s wallet, you’re likely to get into a fight. But if you steal billions from the commons, co-owned by him and his descendants, he may not even notice.” – Walter Hickel, Nixon Administration*

**NEWS REPORTER:** *Patrick Dory has invented a machine that creates a beach blanket of advertising right in the sand.*

**DAVID BOLLIER:** Wherever we look today, we see the market reaching into every last corner of our daily lives.

**PATRICK DORY:** *On this one half-mile stretch are approximately 5,000 impressions of Skippy Peanut Butter Jars.*

**BOLLIER:** Everything’s about private property -- and *everything* is for sale.

**NEWS REPORT:**

- *Everything from the band shell...*
- *That’ll be \$125,000.*
- *To the lecture hall...*
- *\$150,000*
- *Can be named for a price at New Berlin School.*

**BOLLIER:** It’s a phenomenon that’s reaching some new, and even ridiculous extremes.

**NEWS REPORT:** *Even a town selling its own name to an Internet company for \$75,000. Welcome to Half.com, Oregon.*

**BOLLIER:** One frontier after another reduced to private property.

**NEWS REPORT:** *This marks the beginning of the commercial development of the moon. And we suspect we know where it’ll end, as well.*

**BOLLIER:** And while it’s easy to regard these stories as isolated outrages, they’re all symptoms of a deeper, more alarming mentality.

**NEWS PUNDIT:** *This is the United States of America, it is a highly competitive economy. You claw your way up on the backs of others. That’s the way it’s done... didn’t you know that?*

**BOLLIER:** And over time, we seem to have forgotten a crucial part of our history – the part of the American story that has more to do with our *shared* interests than with corporate concerns about the bottom line.

**NEWS PUNDIT:** *We've become so spoiled by ready access to good food, quality healthcare, quality homes, new cars, terrific colleges that we think of them now as things every American is entitled to. But they are not entitlements; they are quality products that are a direct by-product of our free market.*

**BOLLIER:** I'm David Bollier – and I've been studying the commons for quite some time – and I've discovered that it has a lot to say about the audacious scams of market capitalism.

Global markets have been *devouring* our commons – our shared wealth – for centuries. But fortunately a movement of people around the world is stepping up to name and reclaim the commons. It's a movement whose time has come.

[TITLE SCREEN]

**SCIENTIST (archival):** *The majority of young children are apparently susceptible and something must be done for their protection.*

**BOLLIER:** It's been said that in the early 1950s, Americans feared only one thing more than the atomic bomb – the poliovirus.

**NEWSREEL (archival):** We must face the fact that any one of these could be the next victim of infantile paralysis.

**BOLLIER:** Polio had reached epidemic proportions during the first half of the 20<sup>th</sup> century, striking without warning and with devastating effect.

In 1952 alone, 58,000 cases would be reported, killing more than 3,000 people -- and paralyzing another 21,000. Most of the victims were children.

**NEWSREEL (archival):** *1955 – a year of anxiety and triumphs: a major medical hurdle was crossed with the discovery by Dr. Jonas Salk of the anti-polio vaccine, which was to spread a mantle of protection over millions of American children.*

**BOLLIER:** Then, On April 12, 1955, the world learned that a young medical researcher named Jonas Salk had developed a new vaccine that would stop the disease dead in its tracks.

It seemed to be a quintessentially American story about a remarkable individual achieving great things in the face of great odds. But it was also something more: a story about how the heroic achievements of one individual were made possible by an equally heroic *collective* effort.

Salk's research was not funded by private foundations or pharmaceutical companies, but by the National Foundation for Infantile Paralysis – a *public* effort financed by the donations of millions of ordinary Americans who were asked to give a dime at a time.

The seven-year effort to eradicate the disease was less about free enterprise than about a *common* enterprise to look out for one another – a fact that wasn't lost on Salk when the celebrated journalist Edward R. Murrow asked him who should *own* his vaccine.

**EDWARD R. MURROW:** *Who owns the patent on this vaccine?*

**DR. JONAS SALK:** *Well, the people I would say. There is no patent, could you patent the sun?*

**BOLLIER:** Unfortunately, this ethic has become a distant memory – something that would become very clear several decades later in the midst of another devastating health crisis.

**ABC NEWS PETER JENNINGS:** *When millions of people in one part of the world are wasting away from disease, is the rest of the world obligated to help in anyway it can?*

**BOLLIER:** It was the 1990s, and the HIV virus was spreading like wildfire in South Africa, infecting millions of people – including, at one point, almost one-third of pregnant women in the country's poorest provinces.

And fear would turn to anger and outrage when it was reported that an estimated 20,000 South Africans were dying of AIDS *every month*, simply because they couldn't afford to pay \$240 a month for the brand-name medicines that were readily available to keep them alive.

**NEWS REPORT:** *Treating the more than 3 million AIDS infected patients in South Africa is a hopeless endeavor: AZT and the newer AIDS drugs that prolong life cost between \$500 and \$1000 a month. That is not only out of reach of the average South African, but also the government. Some patients are not even told the drugs exist. So two years ago, the South African government decided that morally, it had to do something. It passed a law that would allow cheap, generic versions of the drugs to be locally produced or imported without the permission of drug companies.*

**BOLLIER:** But there was one problem – the drug industry argued that it would cut into their revenues in other countries. They called the idea “piracy” and said it would set a “bad precedent” for any country to produce generic drugs for humanitarian purposes.

The drug companies won – and as a result, lots of people who could have been saved, died instead – to keep corporate profits alive.

Two serious health crises. Two different approaches. It's a contrast that captures one of the great-unexplored dramas of our time—the epic struggle between the marketplace and the commons.

We've lived for so long inside this mythical fantasy world known as the *free market* that we have trouble seeing what it's done to our culture -- how it's altered our very sense of the possible, our *very* identities.

We have trouble imagining other ways of relating to nature -- and to each other. We have trouble imagining other ways to produce what we need. In short, we've forgotten what the commons *is* -- and why it matters.

### THE COMMONS: A FORGOTTEN HISTORY

In the most general sense, the commons consists of all of the things we collectively own and have an obligation to pass on to future generations, undiminished.

For example, the air. It belongs to all of us, and the idea that anyone can own it is absurd. We call it a commons because our first obligation is to *protect* it, and to *share* it.

The same for water. Our ecosystems. Our genes. Our national parks. The Internet and the many things we create online.

The vast quantities of government research that we fund as taxpayers. Our libraries. Our local food system. Community gardens.

To declare that something's a commons is to declare that we have a moral, personal connection with it. It's not just a product or an object. It's a part of me and my community, and it shapes my identity and behavior.

There is no commons without *commoning* – the social practices we use to manage and *protect* our shared resources.

Now I understand that the idea of the commons seems strange or abstract to a lot of people. But it shouldn't be, especially when you realize it's revealed itself in human cooperation over two million years. Scientists tell us that reciprocal social exchange is even hard-wired into our brains and emotions. That we have innate capacities to cooperate.

In 1900 B.C., in Babylon, there were forestry conservation laws. In Egypt, King Akhenaten -- King Tut's father -- established nature reserves.

And during Roman times, Emperor Justinian established two legal categories along these lines. One, called "res publicae," included types of property set aside for public use. The other included natural things that everyone uses – the air, water, wild animals – and this was called "res communes." The commons.

These principles would be taken up a few hundred years later in England in the Magna Carta and the often overlooked Charter of the Forest. Both recognized the basic rights of commoners to use the commons -- to do things like gather wood from the forest, graze their sheep, and shoot

wild game. As commons historian Peter Linebaugh has noted, these rights were essential to people's daily lives – making the commons what we might call today a “social safety net.”

In fact, here in the United States, the Founders drew upon the law of the commons when they were designing the American system of government. They incorporated many of the rights named in the Magna Carta into the U.S. Constitution. So it shouldn't be any surprise that the Constitution starts with the ringing phrase, “We the People.” The point was to assert the supremacy of the commoners over and against the claimed powers of governments and kings.

Beyond the law, the commons is a deep part of our *cultural* history as well– from quilting bees to New England town meetings, volunteer fire brigades, and free public libraries.

In the early days of the American republic, many people explicitly talked about “common wealth.” Several states – Massachusetts, Pennsylvania, Kentucky, Virginia – actually named themselves commonwealths. The idea was that the people have *responsibilities* for their shared resources, and they're *entitled* to use them.

This idea has been crucial in allowing each generation to build on the contributions of those who came before. Ben Franklin is a perfect case in point.

Franklin, the iconic American entrepreneur, was well aware that he “stood on the shoulders of giants,” in Isaac Newton's classic phrase. Franklin's peers were a huge source of inspiration and influence in his many inventions, so when he invented the Franklin stove, for example, and the lightning rod and bifocal glasses, he didn't patent them to make a private fortune -- he knew future generations would want to modify and improve them with their own ideas.

Author Lewis Hyde has puckishly called Franklin the “founding pirate” because of his propensity for borrowing from others. You might say he was the original peer-to-peer networker.

The fact is that the history of this country is inseparable from the history of the commons.

Abraham Lincoln signed The Morrill Acts in 1862, freeing up federally-owned land so that states could build “land grant” colleges that would serve everyone, especially in the teaching of agriculture, science and engineering. The Universities of Illinois, Minnesota, Kentucky, Connecticut, and dozens of others are gifts to us from our 19<sup>th</sup> century forebears.

And a couple of generations later, Franklin Delano Roosevelt would reinforce the principle of the commons by creating Social Security.

**PRESIDENT FRANKLIN ROOSEVELT:** *This Social Security measure gives at least some to protections of 30 millions of our citizens who will reap direct benefits through unemployment compensation through old-age pensions and through increased services for the protection of children and the prevention of ill-health.*

**BOLLIER:** Social Security is a kind of inter-generational risk insurance compact that provides care for the elderly, sick and disabled. It was part of a much larger vision of “government in the service of the commons” that was enacted in other projects from the time, like the Civilian Conservation Corps and the Works Progress Administration -- all of which were designed to lift Americans out of the Depression by giving them jobs rebuilding our infrastructure and our national parks.

And later, Roosevelt would sign yet another piece of legislation in the spirit of the commons – the GI Bill – to help returning World War II vets.

**NEWSREEL (archival):** *President Roosevelt signs G.I. Joe’s bill of rights that guarantees a returning soldier a year of unemployment insurance, guarantees 50% of loans up to \$2,000 and helps pay for the completion of his schooling.*

**BOLLIER:** And in fact, that same year, 1944, FDR set forth his vision of the commons in what he called a “Second Bill of Rights.”

His argument was as radical as it was distinctively American.

**FDR:** *Certain economic truths have become accepted as self-evident. A second bill of rights under which a new basis of security and prosperity can be established for all, regardless of station, or race, or creed. Among these are the rights to a useful and remunerative job, the right of every businessman, large and small, to trade in an atmosphere of freedom – freedom from unfair competition and domination by monopolies at home or abroad. The right of every family to a decent home, the right to adequate medical care, the right to adequate protection from the economic fears of old age, the right to a good education.*

**BOLLIER:** While FDR wouldn’t live to see his vision realized, the point here is that he was fighting for a set of principles that transcended the politics of his own time.

And the importance of this point can’t be overstated, because for too long, the idea of the commons has been misrepresented as somehow synonymous with big government and the welfare state, socialism, or even communism.

**NEWS PUNDIT:** *An un-American, almost anti-American mentality. A mentality of something for nothing – you have a right to a house, a right to a job, a right to medicine, a right to healthcare. You do not.*

## ENCLOSING THE COMMONS

While the notion of the collective good has a long and rich tradition, there’s also been a long and rich tradition of attacking it.

**COLD WAR PROPAGANDA FILM:** *The socialists among us seek to bring about a gradual change in our system, by gradually destroying the principle of private ownership of property.*

**BOLLIER:** It's a pattern of vilification that channels exaggerated fears of socialism and communism into fears of *any* sort of commitment to the common good, and even social justice itself.

**GLENN BECK:** *One had the hammer and sickle, the other was a swastika. But on each banner read the words, here in America, of this: social justice. They talked about economic justice, rights of the workers, redistribution of wealth, and surprisingly – I love this – democracy.*

**BOLLIER:** So that now any talk about cooperation or the common good inspires the wildest accusations and caricatures and hysteria.

**NEWS PUNDIT:** *What we're getting is a big government ideology, government tightening its grip over people's individual liberty at whatever cost that that may be.*

**NEWS PUNDIT:** *We are creeping toward socialism...*

**SEAN HANNITY:** *From free market economy to a socialist economy.*

**BECK:** *Why are we headed towards socialism when everything else is collapsing?*

**WOMAN AT A TOWN MEETING:** *This is a vehicle to take us down a path of total socialism and totalitarianism.*

**BOLLER:** And this mentality has been music to the ears of corporations and free market fundamentalists – who, under the cover of this ginned-up fear of government power -- have been busy buying up everything that previous generations believed should belong to all of us.

**WALL STREET (film):** *Greed, for lack of a better word, is good.*

**BOLLIER:** A sensibility captured memorably in Oliver Stone's classic film *Wall Street*.

**WALL STREET (film):** *Greed clarifies, cuts through, and captures the essence of evolutionary spirit. Greed, in all of its forms – greed for life, for money, for love, knowledge – has marked the upward surge of mankind. And greed, you mark my words, will not only save Teldar paper, but that other malfunctioning corporation called the USA. Thank you very much.*

**BOLLIER:** The film may have been fiction, but it nailed a radical market mindset that was all too real during the 1980s.

**PRESIDENT REAGAN:** *Government is not the solution to our problem. Government is the problem.*

**BOLLIER:** When President Ronald Reagan and Prime Minister Margaret Thatcher of Great Britain assumed power in 1981, they brought with them a worldview often referred to as neoliberal capitalism.

**REAGAN:** *The societies which have achieved the most spectacular, broad-based economic progress in the shortest period of time are not the most tightly controlled, not necessarily the biggest in size, or the wealthiest in natural resources. No, what unites them all is their willingness to believe in the magic of the marketplace.*

**TED KOPPEL, ABC NEWS:** *On the American agenda tonight, how a growing number of cities and towns are trying to save tax dollars. It's called privatization, which means that the services we've come to expect government to provide are turned over to private businesses.*

**TOM BROKAW, NBC NEWS:** *It includes a proposal to turn the federal aviation administration into a semi-private corporation.*

**CONNIE CHUNG, CBS NEWS:** *Hartford will soon be the only city in the country to privatize all its schools.*

**TEXT ON SCREEN:** *During the 1980s and 1990s, neoliberal policies led to a wave of deregulation, severe cutbacks in government, and extreme privatization... resulting in a shift of more than a trillion dollars of state-owned enterprises to private interests. And privatization trends have continued over the past decade in the U.S. and globally, reaching record levels in developing countries in 2006 and 2007. Source: The World Bank*

**BOLLER:** Through the 1980s and 1990s, what was owned and shared by all of us was privatized, commodified, and converted into a total market order. And it's only gotten worse over the past 20 years.

**JOHN STOSSEL:** *One thing I've learned in forty years of reporting is that the free-market does everything better.*

**BOLLIER:** This isn't Adam Smith's capitalism. It's market fundamentalism – or more accurately, a kind of “free market purity” that functions as a disguise for *crony* capitalism – a system of closed markets, cozy government deals and flexible standards of accountability.

And the little-noticed drama of the past fifty years is that while a lot of people have been waving their arms about big government, the piecemeal theft of the commons has been accelerating right under our noses.

It's a process often known as the “enclosure of the commons.”

The term “enclosure” is generally associated with the English enclosure movement, from the 15<sup>th</sup> to 18<sup>th</sup> centuries – when the king and aristocracy and landed gentry stole the commons from the commoners. They saw this as an easy way to enrich themselves, to grab more power and control by doing things like grazing sheep and selling wool to an exploding export market. Enclosures became a way to make some easy money and consolidate political power.



The economic historian Karl Polanyi studied this unique historical transition from the commons to enclosure. He noted that for millennia people had been bound together through community, religion, kinship, and various other social and moral ties. And he found that this all broke down as enclosures proceeded.

When the market became the supreme ordering principle, *business* became the preeminent institution of society, organizing everything else around the interests of capital accumulation.

Polanyi called this “The Great Transformation,” and he characterized the history of enclosures as “a revolution of the rich against the poor.”

“The lords and nobles were upsetting the social order,” he wrote, “breaking down the ancient laws and customs, sometimes by means of violence, and often by pressure and intimidation.”

As the market economy gained the upper hand, it imposed its commodity-logic on *everything*. And this is more or less the template for what’s happening today.

### THE ENCLOSURE OF NATURE

**NEWS STORY:** *The plan calls for the logging industry to thin out public forests by cutting down trees. The President wants to eliminate appeals and litigation that might hold up logging projects as they did in the past. His plan makes it easier for loggers, more difficult for environmentalists.*

**BOLLIER:** From the clear-cutting of our public forests, to the depletion of our national mineral wealth, when it comes to market enclosures it seems that *nature* is always the first victim.

**BRIAN WILLIAMS:** *You may not know it, but you own some gold mines. Actually the public land where gold, silver, even uranium are dug out of the earth. You might be wondering about now what you have to show for all that.*

**BOLLIER:** While the mineral wealth from our national lands is enormous, we in fact have very *little* to show for it. And that’s because corporations have been reaping the benefits of a sweetheart deal that’s been on the books for more than 150 years.

**NEWS STORY:** *Though much of the gold would be extracted from land owned by the taxpayers, the company pays nothing for the gold it takes.*

**NEWS STORY:** *Companies that mine gold, silver, and other hard rock minerals still operate under a law written in 1872, when Ulysses S. Grant was president... This bar alone is worth one and a quarter million dollars at today’s prices... And how much do taxpayers get in return for their gold? Not a penny.*

**BOLLIER:** It's been estimated that Americans have lost more than \$245 billion worth of revenues from this law – while seeing lots of beautiful mountains and rivers ruined from mine tailings and other waste.

Oil from public lands? Similar story.

**BRIAN WILLIAMS:** *It's about oil royalties, the payments taxpayers are supposed to get for letting oil companies drill on public lands. Critics have long accused the U.S. Interior Department of being too cozy with big oil.*

**BOLLIER:** All sorts of accounting subterfuges have allowed big oil companies to avoid paying any significant royalties to the federal treasury. So billions of dollars for public oil have never been paid.

**NEWS STORY:** *The auditors claim the companies cheated taxpayers out of tens of millions in royalties, and that their bosses at Interior refused to collect it. Part of what some claim is a culture of not enforcing the law. Taxpayers have lost some 1.3 billion dollars in royalties.*

**BOLLIER:** The propertization of our shared natural resources is happening everywhere. By one estimate, an astonishing one-quarter of all the world's biomass has been commodified for sale in the market – one-quarter of the world's forests, crops, plants, and other natural resources.

**TEXT ON SCREEN:** *¼ of the world's biomass has been commodified for sale in the market... ¼ of all forests, crops, plans and other natural resources.*

And the latest frontier in this mad quest to turn nature into a commodity is water.

**ADVERTISEMENT:** *There are over 358 million trillion gallons of water on earth. But not all water is created equal.*

**BOLLIER:** Fresh water used to flow freely throughout the ecosystem as a gift of nature – until multinational bottling companies decided to prowl the world for supplies of groundwater and turn it into a proprietary, branded product.

**ADVERTISEMENT:** *Poland Spring 100 percent natural spring water. Born better.*

**BOLLIER:** So that in the United States we now consume about 500 million bottles of branded water every week – and worldwide, the industry reaps more than \$100 billion a year -- even though it turns out that store-bought bottled water is often no cleaner than tap water.

**NEWS STORY:** *Even the most cynical among us would like to think the bottled water we drink comes from a place like this... still there are those that long suspected some bottled water was just tap water, and now there is no more doubt. Today, PepsiCo, which owns Aquafina, started labeling its source as "P.W.S.," which stands for Public Water Source. Tap water. Purified, yes, but from a pipe, not a stream.*

**BOLLIER:** Amazingly, the private takeover of what used to belong to all of us is presented as some kind of advance for humanity. Meanwhile, our public infrastructure for water is crumbling.

**NEWS STORY:** *Across the country, cities are struggling with water systems that are falling apart.*

**NEWS STORY:** *There were 123 water-main breaks just last year alone.*

**BOLLIER:** And for many farmers and poor communities around the world – in India, Africa, Latin America – bottled water is sucking away the water they need to grow food and quench their thirst.

**NEWS STORY:** *Clean water has long been in short supply here. But some villagers say their wells dried up with the arrival of a Coke bottling plant three years ago.*

**BOLLIER:** The point is that this private grab of natural resources has had consequences ...

The whole market system depends on constantly cannibalizing and trashing the commons in order to produce the abundance we enjoy. And it's just not sustainable. We can't keep living on nature's capital.

And as if this weren't enough, the market isn't just capturing our physical landscape, it's been appropriating huge swaths of our *cultural* landscape as well, with markets laying claim to our shared inheritance of creativity, information and knowledge.

## ENCLOSING CULTURE

**BOLLIER:** Culture may be more abstract than land, but it's no less fundamental to human existence, and no less profitable to corporations.

Consider what corporations have done to the broadcast airwaves – our broadcast airwaves: a key source of information, of entertainment, of education – in short, of culture – in the modern world.

Now sometimes it's tough to wrap our minds around this, but the airwaves themselves are a gift of nature, and as such they belong to all of us.

They were discovered by people who realized that the air was a really good medium for broadcasting signals from one place to another.

The problem was that broadcasters' signals immediately started to interfere with one other. It was chaotic, with all sorts of static and garbled signals. So to make things work better, Congress decided to give broadcasters licenses. Each of them would get their own exclusive band of electromagnetic spectrum, or channel.

The people would still own the airwaves, but broadcasters would get to use them for free -- under one condition: that their programming would serve the public interest.

**NEWSREEL (archival):** *NBC's obligation to its listeners is founded on its basic respect for the American home. The money that advertiser's spend to sponsor these shows pays for other programs, too. Noncommercial broadcasts in the public service account for more than 40 percent of NBC's scheduled time.*

**BOLLIER:** The logic was pretty simple: if broadcasters were going to be able to use and benefit from such a valuable collective resource – one that today is valued at roughly half a trillion dollars – they had a responsibility to deliver a collective civic benefit – not just a private, commercial benefit.

**NEWSREEL (archival):** *Responsibility is the first obligation of freedom.*

**BOLLIER:** If you *take* from the commons, in other words, you should *give back* to the commons.

But as with so many other commons, it didn't really work out that way.

**RONALD REAGAN:** *For those of you with television stations I have an announcement. As you know, I've never liked big government, and that was one of the reasons I was opposed to the so-called "Fairness Doctrine" as you've already been told. And I think you would agree, there's no reason to substitute the judgment of Washington bureaucrats for that of professional broadcasters.*

**BOLLIER:** Under Ronald Reagan and Bill Clinton in the business-friendly '80s and '90s, Congress and the FCC deregulated broadcasting, striking down policies designed to protect the public interest in the airwaves.

So that today, we get a few good shows mixed in with an endless stream of reality programs, sexual titillation, vulgarity, and violence, all designed to keep us watching during the 20 minutes of commercials per hour. We don't have more intelligent, diverse programming because commercial broadcasting maintains a tight stranglehold on an invaluable common resource.

Now I go into the example of the airwaves in such detail because history may be about to repeat itself. I'm talking about the corporate enclosure of the Internet.

**NEWS STORY:** *"Hands off my Internet!" That is what backers of the so-called "net-neutrality" are shouting. The issue is that some broadband providers don't want you to go to their competitors web pages easily. Neutrality advocates say that you should be able to surf wherever you want, without delay.*

**BOLLIER:** Just as only a few media companies now control the public airwaves, only a few cable and telephone corporations are vying for control of the web.

So here we have this massive expanse of limitless information exchange, an amazing resource with incredible democratic potential developed with US taxpayer money. But, its sheer openness has come to be seen by corporations less as a virtue than as a potential threat.

**NEWS STORY:** *Entertainment industry groups accused hundreds of college students today of being Internet pirates, and said they will sue them.*

**BOLLIER:** And we see this kind of reactionary corporate mindset all over the place.

Hollywood studios, record labels, and publishers are profoundly threatened by how people can create their own music and video – outside of the marketplace – and how they can *share* creativity rather than *buy* it.

So Hollywood and the record labels have run to Washington and the courts to lock down culture with new legal protections, with laws that extend the terms of copyrights, laws that shrink our fair use rights, laws that impose ridiculous penalties for alleged violations of copyrights and trademarks.

**PRINCE SONG:** *Let's go crazy, let's get nuts...*

There was the case of the mother who made a cute YouTube video of her baby dancing to the music of Prince – which prompted Prince to sue her for copyright violation.

**NEWS STORY:** *Now a real life David and Goliath story over a proud mom's home-movie. Stephanie Lenz thought only family and friends would enjoy the short video she posted on YouTube showing her toddler dancing. So she was stunned when the world's biggest music company sent her a threatening letter claiming her video was copyright infringement.*

**NEWS STORY:** *Music companies, publishing companies, TV networks, all generated 230 thousand "take-down" orders on YouTube alone this year.*

**BOLLIER:** In 1996, the Girl Scouts and hundreds of summer camps were actually sued by ASCAP, a music licensing body, for singing copyrighted songs like “Puff the Magic Dragon” around the campfire.

Even our nation's universities are aggressively enclosing knowledge that should belong to all of us. Thanks to a law passed in 1980 to encourage the commercialization of scientific research, universities have the right to patent federally funded research.

**NEWS STORY:** *The scientific method requires researchers to keep an open mind, forming no conclusions until their theories are tested and the results can be checked. But can that happen when the funds for the research are coming from a partial source?*

**BOLLIER:** As soon as universities enter into corporate partnerships, it stands to reason that professors might come under pressure to suppress research that might embarrass their corporate sponsors, or threaten their profits.

**NEWS STORY:** *Now the source of some of that funding has reignited the debate over private money used for public research. Some, for instance, comes from the tobacco industry, which often uses the results to fight anti-smoking measures.*

**BOLLIER:** Universities are supposed to serve the public good, but increasingly, they're renting themselves out to private interest.

**BOLLIER:** And this ethic about owning knowledge has become a cultural pathology. Just look at drug research.

**AARON BROWN, CNN:** *Since 1980, US drugs sales have tripled. The \$250 billion industry has been the nation's most profitable, for nearly all of the last 10 years.*

**NEWS STORY:** *We're paying way more than any other country, per capita, for our drugs. And yet most of that is going for marketing, promotion, administration, shareholder profit and only about 11 cents on the dollar is going back into research. And that's not a very good return on investment.*

**BOLLIER:** We taxpayers, through the national institutes of health, finance the research that produced treatments for genetic disorders, depression, diabetes, among many other diseases.

It's a sweet deal for drug-makers. They let us tax-payers finance all the risky breakthrough research, while they get exclusive patents on the drugs, charge us exorbitant prices, and pocket all the upside gains for themselves.

So that while academics like Jonas Salk once saw their research as having *shared* value, corporations increasingly view research in terms of *shareholder* value.

Big companies are also using trademark law to control their public images and prevent ordinary people from criticizing or making fun of their products.

So a few years ago you had Mattel going after a photographer who had mounted a photo exhibit of Barbie in a series of unflattering poses.

Trademark law has gotten so out of hand that McDonald's now claims ownership of the prefix "Mc" when applied to other businesses or products, so that you can't name your restaurant "McSushi" or your motel "McSleep."

*The Village Voice* once tried to stop other newspapers from using the word "Voice" in their name. And there are actually trademarks for things like the NBC "chimes." And the list goes on and on. All private property.

One wonders if the great American pop artist Andy Warhol would have ever been able to paint his Campbell Soup cans if today's trademark laws had been in force fifty years ago.

**INTERVIEW WITH WARHOL:**

*Interviewer: Andy, a Canadian government spokesman said that your art could not be described as original sculpture. Would you agree with that?*

*Warhol: Uh, yes.*

*Interviewer: Why do you agree?*

*Warhol: Well, because it's not original.*

*Interviewer: You have just been copying a common item?*

*Warhol: Yes.*

*Interviewer: Well why have you bothered to do that? Why not create something new?*

*Warhol: Uh, because its easier to do.*

*Interviewer: Well isn't this sort of a joke, then, that you're playing on the public?*

*Warhol: Uh, no, it gives me something to do.*

**BOLLIER:** Andy Warhol understood that art and culture have always depended on appropriation and derivation.

He understood that, from time immemorial, creativity has always required sharing, imitation and collaboration.

An idea that is as American as apple pie.

Look at our jazz and blues and hip-hop traditions, they flourished only because musicians could freely and openly borrow and rework old bits of melodies, rhythms and lyrics.

Look at the American folk tradition, at guys like Woody Guthrie, who openly acknowledged that his music was built on the work of others, built from bits and pieces from blues masters and hillbilly singers and cowboy music, all of it swept up and remade in his own distinctive voice.

**GUTHRIE SONG:** *There was a big high wall there, that tried to stop me, the sign was painted, it said private property, but on the back side it didn't say nothing, this land was made for you and me.*

**BRUCE SPRINGSTEEN:** *Oh this land is your land, this land is my land, from California, to the New York Island. From the redwood forests, to the gulfstream waters, this land was made for you and me.*

**TEXT ON SCREEN:** *"This song is copyrighted in U.S. for a period of 28 years... and anybody caught singin' it without our permission, will be mighty good friends of ourn, 'cause we don't give a dern. Publish it. Write it. Sing it. Swing to it. Yodel to it. We wrote it, that's all we wanted to do."*

**BOLLIER:** Woody Guthrie, like so many artists before and after him, viewed culture as a commons, not a marketplace.

## RECLAIMING THE COMMONS

**BOLLIER:** So where does all of this leave us?

The great visionary R. Buckminster Fuller once said, “You never change things by fighting the existing reality. To change something, build a new model that makes the existing model obsolete.”

And I think Fuller was right -- the most strategic and effective way to change something is by pioneering some new models that actually work.

And the good news is, this is happening.

Beneath the radar of mainstream politics and media, a new movement is emerging around the world – to reclaim the commons from market enclosures – and to return the commons to its rightful place in our lives.

Across the globe, there are now commons-based initiatives to reclaim the atmosphere, fresh water, and public lands. There are active campaigns to protect the Internet, as a commons, to fortify online communities such as Wikipedia and the Internet Archive, and to defend the freedom of the blogosphere.

There are commons to strike down patents for human genes. There are campaigns to stop corporate marketing in the public schools. There are countless efforts to re-localize the economy.

**NEWS STORY:** *Iowa families eat carrots that travel 1600 miles from California. New Yorkers enjoy New Zealand lamb, that travels nearly 9000 miles. And Chile sends grapes 5000 miles to Columbus, Ohio.*

**BOLLIER:** Efforts by regions to rebuild local food systems, to become more self-reliant and less dependent on global markets.

**NEWS STORY:** *It's all part of a movement started by so-called “locavores”—people who want fresher food and some who want to see first hand how their food is grown and how animals are handled and fed.*

*- It makes you feel like you're in control of what you're eating, and what your kids are eating.*

**BOLLIER:** There are campaigns to protect fisheries from over-fishing by industrial trawlers.

**NEWS STORY:** *Now under US Federal protection, commercial fishing and oil and gas exploration will be restricted in an area the size of Oregon. A victory for the people of Saipan, the tiny population campaigned hard to protect an area best known for some of the fiercest battles of the Pacific War.*

*Preserving the ocean, protecting the environment, is very important to our very survival.*



**BOLLIER:** In this sense, this new movement is an answer to the longstanding criticism that the idea of the commons may be nice in theory, but is hopelessly naïve in reality. A myth that has its roots in the influential work of biologist Garrett Hardin.

**GARRET HARDIN:** *Well, the problem is this. Suppose you have a commons open to everybody—everybody can put his cattle on it. Each person wants to maximize the profits from his heard of cattle. So of course, he wants to add more and more cattle to his heard.*

**BOLLIER:** In a famous 1968 essay entitled “The Tragedy of the Commons,” Hardin in effect smeared the commons as a failed model of resource-management.

**GARRET HARDIN:** *The trouble is that this eventually overloads the commons, destroys the good grasses on it, results in lesser production of beef from the ground. But the loss that’s taken by each person is only a fraction of the total loss, whereas the gain from overloading by adding one more animal he gets almost all of the gain. So he’s trapped in a system that compels him, and all the others, to overload this, each one seeking his own interest.*

**BOLLIER:** His argument was simple: that a commons nearly always ends up being over-exploited and ruined, because no one has any rational self-interest in holding back.

But Hardin’s argument was also wrong. Because Hardin wasn’t really describing a commons; he was describing a free-for-all where there are no rules, no boundaries. In short, no community and no commoners.

The irony is that the greatest tragedy is not the tragedy of the commons, but the tragedy of *the market*: the anti-social abuses that occur through market enclosure.

Of course, people can and sometimes do over-exploit their shared resources. But that is hardly inevitable. In fact, Professor Elinor Ostrom of Indiana University won the Nobel Prize in Economics in 2009 for making precisely this point.

Her pioneering work over the course of four decades shows how communities can self-organize themselves to manage forests, irrigation water, fisheries, wild game and lots of other things, as commons.

**ELINOR OSTROM:** *What we have ignored is what citizens can do and the importance of real involvement of the people involved, as opposed to just having somebody in Washington or at a far, far distance make a rule. How does that get all the way down to management of forests, fisheries, irrigation systems, etc.? So we have to look ground up.*

**BOLLIER:** Far from being a tragedy, the commons is generative. With the proper structures and social norms, commons models often produce and manage things more efficiently than markets.

And, in fact, for each of the areas of enclosure we've discussed, we see entirely new models for meeting people's needs.

So even as academia has sold more and more of its assets to private interests, we're seeing scientists and scholars in scores of disciplines publishing their research online, in peer-reviewed, open-access journals, bypassing commercial journal publishers who often charge exorbitant subscription fees that university libraries can't afford.

Even as corporate enclosures of academia get more intense, a movement of dozens of universities, led by M.I.T., is pioneering something called OpenCourseWare, in which professors put all of their curricular materials online, for free, part of a movement that is trying to re-create academia as a commons.

And even as corporations are trying to restrict Internet access, there is a movement toward open source software programs, like GNU/Linux, which seeks to break the stranglehold of licensed software.

And even as corporations try to shut down online sharing and collaboration, groups like Creative Commons have invented a series of licenses that let people share their music, videos, books and writings -- without running afoul of copyright law.

There are hundreds of wikis and websites that let people build their own information commons.

**NEWS STORY:** *Wikileaks released 92,000 classified military reports spanning six years. Its mission is taking on the powerful and seemingly untouchable and exposing their biggest secrets. Chalking up a long list of intelligence coups since it was launched just three and a half years ago by a global mix of dissidents, journalists, and technology wizards. What's incredible is that its done it all with no paid staff, no headquarters, no home. It's less an organization, than a movement. Wikileaks itself doesn't have a home either, located on more than twenty internet servers, with hundreds of domain names, making it virtually impossible—and this is the key—for government censors to shut it down.*

**BOLLIER:** Some people see the commons as another name for resurrecting Big Government. Not true. Government certainly has a role in helping the commons, just as government already supports markets. But the goal of any commons is to empower commoners to take charge of their own resources, and to stand up to government, as needed, to defend their own, more basic interests. That's what "we the people" has always been about.

And while it's squarely in keeping with the American traditions we've been talking about here, it's by no means just an American thing. It's an international phenomenon – or more accurately, a *trans-national* phenomenon, because commoners are building new sorts of solidarity as global citizens.

So in addition to groups like On the Commons in the United States, The World Social Forum has issued a manifesto about "reclaiming the commons." We have the Peer to Peer Foundation in Asia.... The Heinrich Boll Foundation in Germany.... Pachamama in Latin America....the

Solidarity Economy movement in Brazil and other countries .... and the International Association for the Study of Commons.

It's a movement whose time has come.

Our inability to recognize limits to growth is causing so many multiple, interconnected crises – environmental, political, social, cultural, and even spiritual – that we desperately need a new vision for the future.

We need a holistic paradigm, in order to protect and preserve our common wealth. We need to imagine a different future for ourselves.

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