

Editors' Introduction

This issue of *Radical History Review*, comprising research articles, reflections, artistic works, and an interview, continues a dialogue begun with *RHR* 108. In that issue, we initiated an open-ended conversation about the historical processes by which resources, especially common lands, that had long been controlled and shared by local communities become cordoned off, either literally or figuratively, for the exclusive use of property owners, states, and corporate entities. *RHR* 108 focused on the enclosures of physical commons: the open range in the U.S. South, for example, as well as spaces in colonial New Delhi, Durban, South Africa, and the iconic fencing in of open lands in the English countryside, which separated landless people from the flora and fauna on which their subsistence depended. This issue, titled “New Approaches to Enclosures,” allows us to consider in greater depth where our historical inquiries into enclosure had previously taken us. In this issue we probe more deeply the possible historical connections between, on the one hand, the transformation of commonly owned and managed lands into individual property and, on the other, more seemingly abstract forms of privatization. These “new” forms, we argue, manifest the principal problems encountered in the enclosure of the commons, yet in significantly different ways that warrant our attention and scrutiny.

In 1989 the British musician Gary Clail released a song titled “Privatise the Air!,” the very title of which leveraged patent absurdity to make a point. Even given the disappearance under Thatcherism of many forms of collective ownership, was it really possible that one could privatize and own the air? Today, just over two decades later, Clail’s prescient, postpunk, contrarian battle cry is likely to be heard differently; its message about the privatization of apparently uncontainable resources necessary for human life sounds more like an indictment of our political-economic reality than a voyage into the absurd. Carbon-trading schemes that authorize cor-

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porations to transform pollution into units of international trade, for instance, have become orthodoxy, even among many environmentalist organizations. Collective resources, like drinking water, have been transformed into commodities, while the plastic bottles that contain them have created a toxic spectacle of unprecedented proportions. And legal instruments like copyright and patents lock up intangible entities, like scientific knowledge and creative expression, under private ownership, purportedly in the public interest. Few can see solutions to the problem of public goods that are scarce or at risk that do not involve more, rather than less, privatization. As the filmmaker Nina Paley asserts in her interview in this issue, the idea that few would be motivated to carry out creative activity unless a monopoly system existed has become so commonplace as to be utterly unremarkable.

The topic of enclosure, then, might seem to be a closed case — certainly after centuries of privatizing public utilities and lands, regulating public space, creating public-private partnerships necessary to operate such ostensibly public institutions as libraries, parks, and museums, and criminalizing the gleaning of wild fruit. Yet while it seems difficult to deny that public life has become exponentially privatized, many unanswered questions remain. The essays in this issue illustrate that the study of enclosure remains strikingly relevant. Recent scholarship in the humanities and the social sciences, for instance, continues to problematize the concept of space and its enclosure in theoretically complicated ways. Are the various instances of privatization taking place across the world connected; and, if so, how are they connected? How might we draw a genealogical thread from the enclosure controversies in the eighteenth-century British midlands to those in nineteenth-century Naples, late twentieth-century Baltimore, or even twenty-first-century Athens? The authors and artists in this issue take up such questions and rephrase them, both implicitly and explicitly, in a myriad of settings both new and familiar. They do not, in any case, draw definitive conclusions or present definitive answers.

Of course, neither this nor the previous issue of *RHR* are unique in their efforts to reassess contemporary forms of privatization by using historical forms of enclosure as a conceptual paradigm. The antiwar, anticapitalist Midnight Notes Collective (MNC), for example, argued emphatically during the 1970s that the modern political economy under global capitalism sustained the class struggle by transforming everything, including immaterial intangibles such as air and water, into commodities thought to be beyond enclosure.¹ They discovered that, in seeking out ways “to express this deeper structure of struggle,” they could appropriate and redeploy the language of the enclosure of the commons: “For ‘The New Enclosures,’ we found the vocabulary of commons and enclosure most evocative and historically rich, since it speaks of a place where Marxism, ecology, indigenous, and antislavery struggles meet. We wanted to explore the ways in which the struggle for a commons defines modern capitalist reality and the efforts — which we continue to see as essentially the class struggle — to supersede it.”²

The Midnight Notes Collective issued a stern warning about what they called the “corrosive secret” that lay hidden behind the “gleaming idols of globalism, the end of the blocs, the Gaian ecological consciousness, Glasnost, the end of the cold war, a united Europe, We Are the World, Save the Amazon Rain Forest . . . these are the phases of the day.”³ In the midst of what seemed like a global movement toward political conscientiousness and openness and careful stewardship of the world’s resources, the MNC pointed to an era of “New Enclosures.” They also noted an important countervailing trend: the emergence of forms of shared subsistence, often deployed to mitigate the consequences of austerity policies and structural adjustment programs fomented by the World Bank and the International Monetary Fund. The MNC took a special interest in Zapatismo, for instance, the political struggle in Mexico in the 1990s that invoked the name of the revolutionary Emiliano Zapata and his fight to restore traditional communally owned lands (*ejidos*) almost eight decades earlier.⁴ The collective took inspiration from the Zapatistas’ battle cry, “This world is not for sale,” and sustained support for the armed struggle that began in the tropical southern lowlands of Mexico in the 1990s and fought for socioeconomic justice and indigenous rights.

In much the same way, this issue of *RHR* follows the MNC’s lead by not only offering critical accounts of enclosure and privatization outside of their more familiar historical iterations but also by offering critical accounts of forms of political and cultural activism that have adapted the language of privatization to challenge, often to parody, and ultimately to resist the pathological impulse to enclosure that characterizes the present phase of late capitalist development. One need only consider the catastrophe unleashed by BP’s oil spill in the Gulf of Mexico in April 2010 to see how bungled public-private attempts to contain environmental disaster brought about in the first place by the forces of enclosure have helped galvanize national and international resistance to the rhetoric of commodification (epitomized by the refrain “drill, baby, drill”), as well as to the future exploitation of finite resources.

All the monographic articles in our “Features” section engage with new forms of privatization and the commodification of shared resources and physical spaces that the legal and economic forces of enclosure often have engendered in modern and contemporary contexts. Marco Armiero’s essay, for example, describes the capitalist forces that hastened enclosure of the waterfront in late nineteenth-century Naples. For centuries the Naples waterfront had enabled a robust fishing economy that understood local waters as a commonly held source of economic and nutritional sustenance for the region’s population. Beginning in the 1870s, evidence of cholera, which afflicted many European cities in the late nineteenth century, forced the hand of sanitary engineers and public health officials in Naples, who cordoned off and enclosed portions of the waterfront to contain the epidemic. Armiero argues that such efforts conducted in the name of public health provided an

ideal opportunity for the city's elites, especially its regional planners and real estate developers, to exploit the cholera epidemic and transform the edges of the maritime community into gated enclaves of expensive waterfront property. Rather than merely trace this story as a local variation on the historical forces of gentrification, however, Armiero pays attention to the degree to which the livelihoods of fishers, their families, and their culture were affected by the enclosure of the sea, a dramatic and unprecedented paradigm shift in how public access to natural resources held in common were erased seemingly overnight. Armiero also pays close attention to the forms of resistance that the enclosure of the waterfront generated by members of the maritime community, local artists, and public intellectuals, providing a key moment in a genealogy of activism against the privatization and commodification of natural resources that predate many more familiar twentieth-century social and environmental movements.

Similarly, Dara Orenstein reconstructs a crucial, but largely forgotten, step in the twentieth-century formation of the global assembly line that is a keynote in the literature on the new enclosures. Her article concerns foreign trade zones (FTZs), not to be confused with the more commonly known free trade zones. The hundreds of FTZs that dot the U.S. landscape constitute legal fictions that allow commerce to proceed on U.S. shores but, technically, on foreign soil. They are, in Orenstein's words "partially denationalized U.S. territory." Although largely unremarked both today and when they were instituted in the mid-1930s, FTZs have left behind a vast visual and textual record that Orenstein utilizes to return to the origins of the world's archipelago of designated spaces in which the market has effectively replaced the state as the governing force. Orenstein looks both to the official, textual record of the political economy of the early twentieth century and the decision-making process through which the U.S. government created the first of these FTZs in the 1930s and to the "visual artifacts" that these supposedly "invisible" pieces of denationalized territory left behind.

How does this story intersect with the erosion of subsistence rights and the conditions of the contemporary world's poor and working classes—in other words, the "New Enclosures"? Orenstein explains that when the architects of this system of foreign trade zones described its aims using the term *frictionless production*, they referred not just to a reduction in bureaucratic inefficiency but also to the drag effect that workers had on the production process—"the fewer, the better, suggested FTZ engineers." In foreign trade zones, commodities could legally undergo—tariff-free—any part of the process *between* making and selling, but not the making and selling itself. It was labor politics that drove the planners of the original FTZs to ban manufacturing; policy makers feared that allowing the actual fabrication of goods, rather than just their assembly and warehousing, would hurt U.S. manufacturing. Blue-collar workers remained completely absent from the literature and iconography of FTZs. The focus of Orenstein's narrative, the first

FTZ established in Staten Island, was demolished in the 1980s after containerization altered the geography of commerce in the United States. Yet it introduced a template of “frictionless production” which came “to pervade the United States.” Labor-intensive manufacturing occurs elsewhere, but the work of assembly takes place, duty-free, in these foreign trade zones.

Robert Gioielli's contribution to this issue implicitly questions whether the urban commons is even characterized by property ownership at all. Gioielli studies a several-year-long urban planning conflict that began in 1968 during a period of urban renewal in metropolitan Baltimore. On the surface, the construction of a highway would appear to be the opposite of enclosure. It was open to an undifferentiated public and built with public money as a matter of public policy, not a stretch of land brought under private ownership, and was intended to celebrate post-war motion and freedom, not boundedness. Gioielli demonstrates, however, that for Baltimore's poor neighborhoods about to be demolished to make way for the new thoroughway that would service the city's exurban, mostly white middle classes, the construction of a highway had the same effect as enclosure. The Movement against Destruction (MAD) and Baltimore's other antihighway activist groups adopted positions that would be familiar to observers of defenders of the rights to the commons in other settings. Gioielli argues that protesters saw the construction of the highway as a direct “threat to their subsistence.” They contrasted the wasteland of urban decay with the vibrant urban ecology that communities hoped to construct on those sites slated for demolition; the protesters blamed their neighborhoods' lamentable conditions on the municipal leadership's ham-fisted urban planning, not inherent urban blight.

There was an added dimension to this familiar story: Baltimore's history of racial segregation and economic inequality. For African American Baltimoreans just following the immediate civil rights era, property ownership—and their fight for both “individual rights to homeownership” and compensation—bore special significance. Listening attentively to Baltimore's African American community activists' own expressions of their aspirations and priorities preserved in the meeting minutes, press releases, and other artifacts of this surge of community activism, Gioielli shows that neighborhood activists decided against forcing racial integration on a “recalcitrant white majority.” Instead, they fought for *de facto* dominion over the territory that they had already effectively claimed as their own. Although just a series of privately owned homes and the churches, streets, and shops where they went about their daily lives, this was, in effect, their commons. To these members of the African American neighborhoods of Baltimore's inner city and their mostly poor and working-class white allies, the highway—a space for the exclusive use of automobiles speeding toward the wealthy suburbs—would have been private, for all intents and purposes, irrespective of who held title to it.

Against this backdrop, then, urban protesters fought against something that

was—ostensibly at least—public in favor of privately owned, residential homes. Does Gioielli’s analysis function primarily as a cautionary tale about the distortions that come with the blanket application of the idea of enclosure? Or does it show how flexible and valid the metaphor of the enclosed common is, even when its spatial meaning is completely reversed? The reader must decide. Gioielli offers us a close reading of the grassroots experience of urban renewal and invites us to ponder these questions. Ultimately, his emphasis on the possibility of anti-enclosure activism in favor of private, over public, property leads us to one of the most urgent urban planning issues of our time: Gioielli suggestively connects the political fight over the construction of this urban highway in the 1960s and 1970s to the controversies in cities throughout the United States over eminent domain abuse in the early twenty-first century.

Finally, in the last essay in this section, Robert P. Marzec examines the contemporary phenomenon of “energy security,” which he characterizes as a decidedly neoliberal phase (or, as he argues, a fulfillment) of enclosure that began in earnest centuries ago in early modern Europe. Beginning in the 1990s, but consolidated after the attacks of 9/11, numerous U.S. defense analysts and agencies recognized that access to energy resources, especially oil and natural gas reserves, was essential to national security. Marzec describes how policy analysts, emboldened by George W. Bush’s vision of empire for a new Gilded Age, recommended that the United States exploit the legacy of its “good neighbor” and protectorate policies and strategically position itself to take control of the energy reserves in many Latin American nations, especially those that do not have nationalized energy industries like that of Venezuela. Of course, the U.S. departments of Defense, Energy, and State are not entirely alone in such decision making; neoconservative think tanks, financial institutions, and organizations devoted to free enterprise and free trade all play significant roles in recommending that the tools of foreign policy and the rhetoric of national defense be deployed to enclose energy resources and to contain any compromise to the “American way of life” in the event of future terrorist attacks. For Marzec, the hysteria that instigated the invasion of Iraq, combined with the institutionalized hysteria surrounding national defense since the Cold War, provides an endless Möbius strip of rhetorical and material justification for neocolonial occupation and the seizure of national and indigenous resources.

In our “Reflections” section, scholars representing multiple and overlapping disciplines—anthropology, geography, and history—offer informed commentary on how to make sense of new iterations of ownership and new practices of commodification, both in historical perspective and in the contemporary moment. David Harvey, for instance, makes an important intervention into how we might think about resistance movements to historical forms of enclosure, as well as into how we might think about the political and intellectual legacy of the commons in productive

ways. Harvey warns against the temptation to understand enclosure in facile terms that pit privatization against collective ownership; as he argues, “the whole issue has been clouded over by a gut reaction either for or against enclosure, typically laced with hefty doses of nostalgia for a once-upon-a-time, supposedly moral economy of common action.” Through a close reading of often-ignored passages of Karl Marx, as well as insights gleaned from contemporary thinkers like Elinor Ostrom, Harvey emphasizes the solution offered by collective forms of labor, not collective forms of ownership, to the political and moral problem of enclosure. In this phase of late capitalist development, conceiving of collective ownership without also thinking about how collective labor practices can help reconceive notions of the common good—a good that includes everyone, not just those who maintain or have access to commonly held lands—and avoid reproducing many of the hierarchies in more pernicious forms of private accumulation. Reconceptualizing organized forms of collective labor, in other words, will go much farther toward redistributing wealth and alleviating human misery than merely seizing privately held lands. Thus, Harvey argues, a new approach to enclosure, one that oscillates between “collective and associational, nested hierarchical and horizontal, exclusionary and open” will play a role in “finding ways to organize production, distribution, exchange, and consumption in order to meet human needs.”

In much the same way that Harvey recommends that we rethink the often bifurcated nature of ownership as an either/or scenario of either commonly held property or privatization, David Chang, a specialist in Native American history, asks us to reflect on enclosure as not just a transfer of property or a process of legal change but as a “political project,” wherein the transition from collectively owned to private property simultaneously effects a parallel transfer of sovereignty. Through a policy called allotment instituted by an 1887 act of U.S. Congress, commonly owned Native American lands were divided into parcels to be distributed to certain tribal members. Similar to the argument that Ben Maddison makes in *RHR* 108 in his study of nineteenth-century Australia, Chang points out the likeness of the impact of allotment on Native American lands to the enclosure of the English commons but warns us against overstating this similarity or allowing it to obscure the particular reality of a settler colony. The subdivision of indigenous lands through allotment infringed directly on not just Native populations’ subsistence but also on their sovereignty. Tribal authorities lost their main source of power: the management of collectively owned tribal lands. Through the sale of these allotments, many indigenous lands ended up in non-Native hands. Compounding its erosion of indigenous political power, allotment also “reinforced a tendency in the United States to think that it is race, rather than political difference, that defines Indian people and Indian nations.” Blood quantum came to play an important part in determining membership in a given tribe, and therefore in deciding who would be entitled to an allot-

ment of land. The “colonial imposition of allotment” came to be intertwined with the racial politics of blood quantum.

This “colonial form of enclosure” affords us another opportunity to consider a case that calls into question the characterization of enclosure as the assertion of private over public power. Privatization indeed generally occurs at the expense of the state’s governing or regulatory power. However, in the colonial scenario that Chang considers, the opposite held true. In creating parcels of private property out of collectively held Native lands, allotment “simultaneously extended and masked the reach of state power.” His work thus helps us connect visible forms of expropriation involving tangible things like land with those that are far less tangible.

Picking up many of the themes of control and dispossession examined by both Harvey and Chang, John F. Collins looks at the concept of cultural patrimony as enacted in contemporary Brazil. Patrimonialization, the process by which international agencies such as UNESCO have identified certain material and virtual expressions of cultural heritage for legal protection and copyright control, began in developing nations as a way to resist privatization and instantiate an ethos that respectfully upholds the collective and often antimaterialist histories associated with indigeneity and vernacular culture. For Collins, however, patrimonialization in modern Brazil has enabled new iterations of older forms of enclosure that have been guided less by heritage protection and more by the impulses of neoliberalism and the authenticity-obsessed expropriations of the tourist industries. Collins, an anthropologist, examines in detail the commodification of Afro-Brazilian practices at the center of Brazil’s restoration of the Pelourinho Historical Center. He is thus able to document local attitudes toward patrimonialization, especially among those who serve as objects of cultural heritage even as they are subjects excluded from its care and the substantial profits to be gained from its exploitation.

In our “Interview” section, Amy Chazkel, one of the editors of this issue, interviews the cartoonist, filmmaker, and activist Nina Paley, whose work brings the discussion of the enclosure of the commons squarely into the realm of the intangible. In the course of making and preparing to release her award-winning animated feature film, *Sita Sings the Blues* (2009), Paley drew on cultural artifacts: the *Ramayana*, an ancient Hindu text, and jazz recordings from the 1920s. She was thus forced to “trespass,” in her words, on cultural terrain to which two groups felt that they held monopoly proprietary rights: Hindu fundamentalists and “IP maximalists,” very different groups of people that passionately believe that enclosing the cultural commons protects culture.⁵ Paley’s frustrating experiences in contending with the U.S. copyright system, which ostensibly protects cultural goods like songs, images, and stories by bringing them under proprietary control, radicalized her. In her recent series of video shorts and her activism, Paley counters the widely held notion that enclosing artistic works—or anything cultural or “imaginary”—behind

a purportedly protective fence of copyright law benefits visual artists, writers, musicians, and other producers of culture. Paley herself does not use the word *enclosure* to describe what she calls the lamentable state of the cultural commons, but, in this interview, she participates enthusiastically in a conversation about it. Importantly, she is careful to distinguish between the “grassy field,” an exhaustible resource, and ideas and culture, an inexhaustible resource. The artistic common, she reminds us, can never be used up. She does, however, leave room for the possibility of a historical connection between the enclosure of the commons in early modern England and the new enclosures in our own time.

The “Curated Spaces” section features two sets of contemporary works engaged with questions of enclosure: a series of public installations in New York City and Oslo by John Hawke, and the participatory, multimedia performance art of the eastern European artists’ collective known as Neue Slowenische Kunst, or NSK. Both Hawke and NSK use everyday life as a canvas on which they render provocative, lifelike scenarios that both question the constraints of physical boundaries and play with the balance of public and private power. These works join the other contributions to this issue in demonstrating the immensely complicated nature of what may appear to be the stark division between private and public realms.⁶ The artworks presented in this section implicitly ask: who is authorized to dictate the uses of and access to public life? Moreover, into what kinds of collectives do people coalesce when given the experimental—albeit somewhat artificial—freedom to choose?

John Hawke’s meticulously created installations reiterate the mundane features of the urban landscape, including bus shelters, park benches, construction sites, and signage. Like Nina Paley, Hawke intends his art to be freely shared, altered, and repurposed by self-selecting and random members of the public. Urban residents adopt and absorb these structures into their daily routines. In Oslo, for instance, they begin to sleep in the lounge areas set up in a contested area of a municipal park. In Brooklyn, even bus drivers come to accept the *de facto* reality of Hawke’s handmade bus shelter, ignoring the threats implied by the “nonsense legalese” on the signage that Hawke places parodically on its outer wall. These works are intended to be ephemeral, and in all cases Hawke and his collaborators disassembled them within a few weeks of their installation. Their fleeting presence in often-contested urban spaces, however, demonstrates both the possibility for people to make alternative uses of the familiar and how public facilities like parks and bus shelters can be political theaters that illuminate the disparity between social control and lived experience.

Like Hawke’s “stealth” art, the unauthorized nature of the NSK collective and its fascinating entanglement with real-life legalities have conditioned public responses to them. In contrast with Hawke’s reclamation of public space as a

medium for producing art, however, NSK makes art in the purposeful absence of space. NSK produced its own fictitious state, in a kind of fulfillment of Walter Benjamin's dictum about mechanical reproduction, by treating the state itself *as a work of art*.

As Alexei Monroe explains in his introductory essay, the NSK "virtual state" grew out of a 1980s artistic movement in what was then Yugoslavia, drawing heavily on nineteenth- and twentieth-century nationalist iconographies at precisely the moment when the fate of the nation-state was being debated—and, after the fall of the Berlin Wall, materialized across Eastern Europe and the (soon-to-be-former) Soviet Union. The physical items produced as evidence of NSK's fictitious state—the design, creation, and distribution of passports, ID badges, flags, maps, constitutional and genealogical documents, and so forth—actually brought this fictitious state into existence in a real sense. As Monroe explains, the NSK consulates and embassies, and especially its passports, came into actual diplomatic use in the early and mid-1990s, enabling NSK "citizens" to take advantage of the general confusion following the fall of the Soviet Union and the conflict-ridden breakup of the south Slav nations into a multiplicity of states. In 1995, for instance, some people successfully used their NSK diplomatic passports to flee violence in Bosnia. More recently, applications for NSK passports have begun to pour in from Nigeria.

As mentioned at the beginning of this introduction, *RHR* 109 is the final installment of a two-issue exploration of enclosure. In issue 108, we featured photographic essays engaged with histories of fences and walls in the Palestinian West Bank and Northern Ireland and even with materials like barbed wire. One wonders, then, if the particularly visual nature of the present issue of *RHR* is not a mere coincidence, considering not only the photographs documenting John Hawke's dynamic, interactive installations and the powerful and well-utilized national iconographies of the fictitious NSK nation but the plethora of rich images that appear throughout this issue. Are the artifacts of visual culture especially useful for representing the "new enclosures," demonstrating resistance to and compliance with them, raising debate about their nature, and preserving their historical memory? If so, there is a certain irony to all of this, especially since the property that is being dispossessed, broken up into pieces, and distributed to private owners is, in the end, so utterly intangible.

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—Amy Chazkel and David Serlin

Notes

1. Midnight Notes Collective, "The New Enclosures: Planetary Class Struggle," in *Globalize Liberation: How to Uproot the System and Build a Better World*, ed. David Solnit (San Francisco: City Lights Books, 2003), 61–72.
2. Midnight Notes Collective, "The New Enclosures," 64.
3. Midnight Notes Collective, "The New Enclosures," 64.
4. Midnight Notes Collective, *Auroras of the Zapatistas: Local and Global Struggles of the Fourth World War*, 2nd ed. (Jamaica Plain, MA: Automeia, 2001); Samuel Brunk, "Remembering Emiliano Zapata: Three Moments in the Posthumous Career of the Martyr of the Chinameca," *Hispanic American Historical Review* 78 (1998): 457–90.
5. Nina Paley, interview with author, April 19, 2010.
6. See also Michael Hardt and Antonio Negri, *Multitude: War and Democracy in the Age of Empire* (New York: Penguin, 2005), 203–204.