

In Common



Common in Colony

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The commons in Aotearoa have a much longer history than the nation itself. For millennia before human settlement, and centuries before European colonisation, the land and its defining features—forests and tundras, rivers and oceans, mountains and caves—were neither publicly nor privately owned. The entire concept of ownership, in fact, arrived with Captain Cook and the other early colonists. This places those of us with an interest in the expansion of the commons within a grand tradition of communal practice, human and non-human, on these lands. It is my contention that the legacy of this tradition, and of its attempted suppression, must be reckoned with before we propose our own forward-looking models of communal life.

Those working for communal, or communist, futures in Aotearoa have seldom undertaken such a reckoning with our common past. The failure of large parts of the left to examine the lingering horrors of colonisation extends, for most activists, to a failure to investigate the concepts and models of social, political and economic

life that existed among Māori for centuries before European settlement. This in turn has doomed many otherwise progressive movements to remain irrelevant to large parts of the indigenous population. Almost as importantly, reluctance to engage with colonial and precolonial history has helped to starve these movements of ideas. Where better to look for inspiration for a future based on common ownership than to a social system built on similar concepts that has already existed here for centuries?

Thankfully, the guiding concepts of Māori political and economic organisation are beginning to be taken seriously by larger numbers of people than ever before; Māori and non-Māori alike.¹ At the same time, many activists and intellectuals are focusing on the idea of the commons as a model of (non)ownership to be deepened, strengthened and expanded.² Less common is thinking these two complementary, though not convergent, streams of thought together. If we commit to holding these thought systems alongside each other, we are able to analyse the emancipatory aspects of mātauranga Māori and of contemporary thought on the commons without merely calling for a return to an idealised past or unwittingly repeating a colonising process. In the compatibility or tension between these concepts, we might find a productive path towards a communal future. In order to do so, we must first excavate the history of what we call the commons, why they have come to be so important and their presence in Te Ao Māori.

The commons

The traditional definition of the commons is that which is neither privately nor publicly owned, but freely available for use by all. Common lands and resources, which can be finite or inexhaustible, are not the property of any individual, class, ethnic group or state, but of everyone. The category of the commons can be traced back to Roman times, where *res communa* designated land

or resources owned by none but used by all, as opposed to *res publica*, owned and managed by the state for use by the public, or *res privata*, private property.³

Where economies or societies have been based on commons, rather than on private or public ownership, very different forms of governance and control have emerged. Common ownership requires a shared agreement over the common good, rather than the petty dictatorships over resources enabled and encouraged by private property. Instead of the owner of property managing it with her own interest in mind, the commons encourage models of community governance that weave together the interests of individuals into one common interest, according to which a particular common is managed. Across the globe, different systems of communal ownership developed over millennia, often in parallel to private and state models of ownership. The existence of commons, until the extractive logic of capital accumulation became prevalent, was not a threat or a barrier to these other models, which were often far more widespread.

The commons became a point of interest for modern political theory through the work of Karl Marx. In *Capital*, Marx devoted several chapters to the effects of the enclosure of the English commons, which serves as an example of the broader idea of “so-called” primitive accumulation.⁴ Primitive accumulation is the term Marx used to describe the imposition of the necessary preconditions for capital accumulation and the capitalist mode of production. The accumulation is “primitive” because it is at the origin of capitalist production, “so-called” because, as David Harvey points out, the process of dispossession it refers to is continuous and ongoing.⁵

The commons that Marx described, those in feudal England, were land that was available to all, tilled by those without land of their own who would then be required to

give some of their crop to the local Baron, Duke or Earl. In return, these representatives of the Crown would offer protection to the lowly peasants, in a manner not dissimilar to mafia racketeering. This system survived for centuries, until advances in agricultural technologies and land improvement greatly increased the productivity of English agriculture, and encouraged the centralisation of the common lands into private hands. During the period of enclosures, which began in the early 17th century and accelerated into the early 18th century, these lands were stripped from the people who had worked and lived on them and placed under the ownership of nobles or the state to administer for private good.

The process of making private, or at best concentrating in the hands of the state, land and resources that had been held in common ownership, shifted these assets into the hands of a small elite. This had the corresponding effect of establishing a class of people who were entirely dependent on selling their labour to survive, as they no longer had access to their traditional means of survival. Those who had worked and lived on what was previously common land were instead paid a wage by the new owner to work that land, or they migrated to the rapidly industrialising cities to work for a pittance in sweatshops. In contrast to the immiseration of the poor, the owners of the land grew richer than ever before. Seeing the rapid productivity increases of English agriculture, other European powers similarly privatised common land and forced large swathes of their peasantry into wage labour. Such was the birth of capitalism.⁶

The continuation of “so-called” primitive accumulation, also referred to as accumulation by dispossession, is necessary for the continued functioning of the capitalist system, which requires the emergence of new markets in order to sustain capital’s need for growth.⁷ As Marx teaches us, capital is money that makes money, and so is not capital if it’s not growing. Endless growth

cannot occur within the bounds of an already saturated market, and so, as in the ordinary opening up of the land and labour markets in rural England, more markets must be opened up through the dispossession of what was previously held in common and its accumulation in private hands. By incorporating new territories and peoples into capitalist markets, new resources were also opened up for exploitation, and the cycle of production and accumulation along with the search for new markets began afresh.

Uncommoning, often through brutally violent means, is key to capitalism’s origin and to its continued presence. This does not necessarily mean that the commons are the secret to a postcapitalist future. As mentioned above, the commons existed alongside other forms of property for centuries before capital began stripping them away. Certainly no one would posit a return to feudalism as a solution to capitalism’s ills, even though the commons were a key feature of feudal economic and political life. What the centrality of uncommoning does mean, however, is that the logic of the commons is antithetical to the logic of capital.

The fact that in the face of this pressure to privatise, commons continue to exist, and even to proliferate, shows the power of communal organisation and governance. A system characterised by the preeminence of communal rather than private property is far closer to being able to operate according to Marx’s famous dictum, “from each according to their ability, to each according to their needs”.⁸ Unfortunately, the scattered remnants of past commons are not enough to change our society to one in which the needs of people override the principle of profit. Even working to strengthen and expand the commons will not on its own produce the conditions necessary for societal upheaval. Capital is now looking with gleaming eyes at the vast technological commons found on Wikimedia and Github, figuring out the best way to incorporate that content into

Rosamond, Ben. “Common in Colony.” In *In Common*, edited by Cait Johnson and Gabi Lardies, 11-23. Tāmaki Makaurau Auckland: Pipi Press, 2019.

the cycle of value production. The privatisation of these new communal resources will be unstoppable without a revolutionary change to our economic and political system.

What the communal past, and elements of the communal present, offer us instead is a glimmer of our potential communal future. They are cracks in the dark logic of capital that a light shines through, but cannot be a real opening without sustained political interventions. In Aotearoa, it is not hard to see these cracks, or to recognise that primitive accumulation didn't only take place in England, but also anywhere that a capitalist economy was established. Before colonisation, an economic and political logic far closer to that of the commons than that of capital had been in place for centuries. This logic still operates in certain isolated areas of our land, and through these practices we can gain powerful inspiration for our struggle for a better world.

Te Ao Māori

How, then, were the commons governed in Aotearoa before colonisation, and what can this teach us about our potential futures? It should first be noted that Te Ao Māori, the Māori world, was not and is not homogeneous. Tikanga, the underlying principles or axioms of political, social and economic life, differs from hapū to hapū, while kawa, the way it is applied, is perhaps even more varied. This is true across space and time. As in any society, history and events serve to mould and change laws and norms. Despite this diversity, there was, however, a very clear and consistent basis common to nearly all social and political groupings within Te Ao Māori.⁹

In the first instance, historians have shown that the primary political and economic unit was not the iwi but the hapū. Hapū were generally composed of 200 to 300 people, often with close familial links, and would make decisions around law, justice, access and nearly everything else that today

is delegated to our representatives in parliament. As Moana Jackson states, "if Te Rarawa wanted to make decisions for Te Rarawa, they never travelled down to Pōneke to ask Te Āti Awa for permission".¹⁰

Hapū independence was not constrained by a central iwi government, or any form of outside power, but instead by commonly observed obligations towards the natural world and wider social good. The key political concepts that imply these obligations include whanaungatanga, utu, manaakitanga, whakapapa and tapu. Matike Mai Aotearoa, a group devoted to the cause of constitutional transformation, render a variant of this list: tikanga, community, belonging, place, balance, conciliation and structure. This value system is intrinsically interrelated, each value strengthening the others with their individual expressions. Community requires the fostering of a sense of belonging, which can only be pursued through a process of conciliation, recognising our mutual connectedness to a place. A constitutional structure is required that is open and fair, which can only be just if it is based on tikanga, rooted in the concept of balance.¹¹ The most important of these political principles for understanding Māori relations to the natural world are whakapapa and utu, which can be roughly translated as genealogy and balance.

Almost all versions of the Māori origin myth have the world as we know it, Te Ao Mārama, come into being in the same way. Ranginui was tasked with building the heavens, and Papatūānuku the earth, but upon sighting each other they fell in love and entered into an embrace from which they refused to depart. During this communion, they conceived and birthed the rest of the atua, beginning with Tāne. Their offspring dwelt in perpetual darkness until, bored of this situation, Tāne led a revolt, in which he separated his parents and created the earth and the sky as they exist today. Tāne and his siblings then proceeded to create the other elements of the world, populating it with flora, fauna and eventually humanity.¹²

If this myth is taken seriously, as it is in the tikanga that flows from it, we see that humanity is not separate from the natural world, but rather intimately related to it. All beings have a whakapapa stretching back to the creation of the earth, and therefore all lines of whakapapa and the ways in which they intersect with one's own genealogy must be taken into account when making important decisions. For humans, genealogical links are important in connecting hapū and iwi, as well as defining what sorts of actions can be taken against whom. This relationship is also apparent in the word whenua, meaning both land and placenta. In both cases, it describes the nourishing maternal element from which humankind was born. The privileging of nature as a sacred ancestor challenges the prevailing systems of Western political and economic theory, which are premised on the continued ability of humankind to exploit land and natural resources and hold them as property, rather than as kin.

The principle of balance exists in the dualisms between all of the children of Papatūānuku and Ranginui, and between the heavens and the earth themselves. Preserving balance is key to ensuring that relationships across our great web of interconnected beings remain intact.¹³ Utu, often mischaracterised as meaning violent revenge, is the system of reciprocity by which balance is maintained, ensuring that any action that leads to imbalance is countered by an equivalent reaction. As a result of the privileging of balance, food and resource systems are able to be kept alive and abundant for all. A tool to enforce the maintenance of balance is rāhui, a form of sacred prohibition placed over lands and ecosystems under threat. A recent example of this model in action is the response of the local hapū to kauri dieback disease in the Waitakere ranges, where Te Kawerau ā Maki collectively decided to place a rāhui over the land to prevent further damage to the forest system. Though bolder than the action taken by Auckland Council, and certainly

taken in good faith by the iwi, this move was largely ceremonial in effect, as the lands remain in public rather than communal Māori ownership.

These principles, and their expression in tools like rāhui, are the bedrock of the Māori approach to communal governance. Rather than being commons in the pure sense of the word, however, most resources in precolonial Māori society were common only to particular groups, generally hapū or iwi with interests and influence in a particular geographical area.¹⁴ Because of the decentralisation of political power and the relative difficulty of moving from one place to another, this loose geographical delimitation of communal ownership was expressed to various degrees at various times. There are many examples of different hapū working together peacefully on and across the same ecosystems, and others of frequent conflict over the use of particular resources.

This geographical element separates Māori resource use from the concept of the commons that is ascendant in contemporary political philosophy, as do certain other elements of Māoritanga, including its mytho-spiritual basis. This is to be expected from a model of communal governance that developed in wholly different conditions than those in Europe. Guided by principles that sprung from the economic basis of the common, the Māori communal model offers a wholly different foundation from which society could be built. But, even assuming we can get past the seemingly non-antagonistic contradictions between these two concepts of the common, can non-Māori practice Māoritanga? And what could happen if we instead try to import a European model of communal practice?

Communal problems, constitutional solutions

Fortunately, we have an example to learn from, as the contradictions between the two models of communal ownership played out over the controversial foreshore and seabed

legislation of the mid-2000s. Kicked off by a Māori Land Court ruling that opened the possibility of Māori customary ownership of the foreshore and seabed around the coastline of Aotearoa, the conflict over who owned the liminal space between land and ocean, and how it would be governed, became a defining political issue for several years. The court ruled that for Māori claims of title to be extinguished, they would have to be heard in full. This was a change from the previous policy of assuming lack of title according to the ownership of surrounding dry land, and opened the door to Māori claims over the entire coastline. The ruling generated sensationalist media coverage as well as political opportunism from the Right, who claimed that soon beaches would be all but inaccessible to non-Māori. Though it actively ignored the basic principles of Māori communal ownership, and was plainly scaremongering, this narrative took hold and led to a surge in racial resentment against Māori as well as a strong movement affirming Māori customary rights.

Trying to chart a course between these two extremes, the ruling Labour Party, in coalition with United Future and the Progressives, attempted to place the lands in public domain, under the common ownership of all residents of Aotearoa, while reserving some token guardianship rights for local hapū. The imposition of a commons from above, though something that may have seemed laudable from a nominally left-wing government, instead was palatable to nobody. Māori overwhelmingly rejected common ownership under this European model as a colonising endeavour, leading to a split in the Labour Party, the formation of the Māori party and a thousands-strong hīkoi demanding recognition of Māori communal ownership and governance.

The Right also objected to this proposal on the grounds that it would provide Māori with too much say over what should be a commonly held resource. In the end, the movement demanding Māori title over the coastline was unsuccessful, as was the

government's proposal of ownership in public domain. Due to political manoeuvring from other parties in parliament, the government instead placed the lands directly under state control (*res publica*, as opposed to *res communa*) with no provision for the observance of Māori customary rights.

This conflict between two differing visions of the commons is instructive as a manual for how not to approach establishing a communal future for Aotearoa. Indeed, what it demonstrates is the absolute inability to common or re-common this land under our current system of government, based as it is on the principles of sovereignty and liberalism rather than mana and kaitiakitanga.

Political principles and economic conditions work hand in hand to construct the societies we live in. Sometimes, as in the case of tikanga, political principles arise directly out of the relations of production and reproduction; a set of axioms that make sense for governing a particular mode of production. In other scenarios, as in the development of sovereignty as a political paradigm that adapted from feudalism to capitalism, they emerge under one economic system and mutate to fit the conditions of another. In the case of Aotearoa, these principles then travelled across oceans and brutally suppressed an already existing political order, which enabled the process of primitive accumulation and the beginning of a capitalist economy.

Given this history, and what we know of capital's unceasing urges, the possibility of simply adapting from the principles of capitalism to those of a communal political economy appears incredibly unlikely. As we remember from Marx, capitalism as an economic system sees the commons not as a separate untouchable sphere, but as prey for its own rapacious growth. Under such conditions, coexistence is impossible. The only solution is transformation.

Fortunately, we have a ready-made set of political principles that have already ruled

over a communal economy on this land. Matike Mai Aotearoa, through a process of exhaustive research, have developed several broad constitutional models that could be implemented, all of which are based on the values and principles of precolonial Māori society listed above. Their report on this research, largely written by Moana Jackson, is essential reading for anyone interested in political change in this country.¹⁵ Though it shies away from offering absolute prescriptions, the thrust of the report is clear: for there to be a future in Aotearoa from which we all benefit equally, political power needs to be redistributed. As we re-common our resources, we need to decolonise our politics.

Following Marx and Matike Mai, we need to recognise that political and economic change can't be neatly separated. Fighting to expand, strengthen and deepen the reach of the commons without simultaneously pushing for revolutionary decolonial change to the political principles that govern them is destined to repeat another form of colonisation, again confiscating the power of Māori to determine their destiny. For a strengthening, deepening and expansion of the commons to not be a colonial process, and to instead fulfil the desire for a communal future shared by many, we need to think and practice these things together. The opportunities offered by such an approach are substantial; not only for Māori, but for all of us. All we have to do is embrace them.

Endnotes

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With many thanks to many friends,
supporters and collaborators
without whom this publication
would not have been possible. 



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Edition of 300

978-0-473-49676-0

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Published by Pipi Press
281 Karangahape Road,
Auckland 1010, New Zealand
pipipress.co.nz

Printed & bound in Tāmaki Makaurau
Risograph GR3770 at Inky Palms
Risograph EZ-570A at Compound press
HP Indigo at Pressprint
Brehmer 1951 at Design Bind.

Papers: Neo Offset, B&F Bond: Saffron, Taro & Platinum

Typefaces: Code Saver, *fondamento*, **Albertus**, **Rhode**

Array Mono, Monarcha, **Covik Sans**

