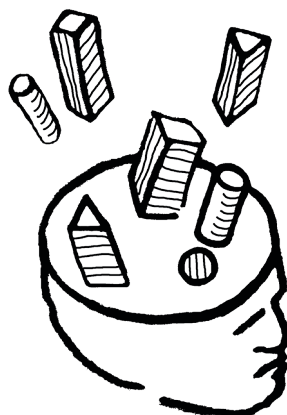


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Environmental Sustainability in the European Union: Socio-Legal Perspectives

Edited by
Serena Baldin and Sara De Vido

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Commons, capitalism and inoperative praxis: beyond the Green New Deal?*

LUIGI PELLIZZONI

1. INTRODUCTION

The theme of the commons has long been debated, taking in recent years an increasing sense of urgency, arguably not unrelated with economic stagnation, environmental threats and political insecurity. A number of meanings and perspectives has stratified, often blurring analytical and normative purposes. In a way or another, however, capitalism is a main critical target of the case for the commons. Critique takes different forms, according to the perspective adopted. In this work I address three, finding all of them wanting. This sobering outcome invites to explore other directions. In the last section I tentatively reflect on a perspective – “inoperative praxis”, or “inoperosity” – which to my knowledge has not yet been connected with the issue of the commons but I believe deserves a thorough elaboration. This also in the light of what can be considered the latest capitalist move, as expressed in the emergent narrative and policy framework of the “Green New Deal”.

* This chapter is a revised and expanded version of the article “Commons and critique of capitalism”, to be published in the journal *Esercizi Filosofici*.

2. THREE APPROACHES TO THE COMMONS

2.1. *Commons as socio-material assemblages*

The first approach kick-started and constitutes the backbone of the debate over the commons. It originates from the famous article by Garret Hardin (1968), about the “tragedy of the commons”. Point of reference is the extensive theoretical and empirical work carried out by Elinor Ostrom and her group, which from a disciplinary perspective belongs to institutional economy.

Hardin defines the commons as easily accessible and exhaustible resources. The tragedy of their overexploitation and exhaustion can be avoided, he claims, only through state control or (preferably) privatisation. In this approach the commons emerge from the combination of resources’ own features with human goals and means. Borrowing an expression largely used in the field of Science and Technology Studies, the commons are “socio-material assemblages”; assemblages that do not remain static but change over time according to a variety of factors (demographic, cultural, technical etc.). About human behaviour, Hardin assumes that it is driven by egoistic motivations and that there is no exchange of information among competing users. This looks simplistic. Even from a rational choice theory perspective it is commonly admitted the possibility, and actually the probability, of communication and recognition of shared interests.

This is precisely Ostrom’s point of departure. Also for her commons are assemblages of “things” and humans, and the features of the former cannot be neglected by the latter, if their goals are to be realised (Ostrom’s approach does not change when she deals with immaterial, or cognitive, commons. See Hess and Ostrom 2007). Her research, however, shows that the commons can be managed successfully and for a long time, without recourse to state control or privatisation, provided that appropriate rules of interaction are set, targeted to the specific situation yet designed according to some basic principles: from a clear definition of the content of the resource to the possibility of excluding untitled parties; from community members’ participation in decision-making to effective systems of self-monitoring and sanctioning (Ostrom 1990). Moreover, rather than just by the presence or absence of property, the relationship with resources is modulated by a bundle of rights: access (the right to enter a given physical property), withdrawal (the right to the “products” of a resource, for example to catch fish), management (the right to regulate use modalities and to modify a resource to “improve” it), exclusion (the right to assign access rights and define how these may be transferred), alienation (the right to sell or lease the rights of management and exclusion) (Schlager and Ostrom 1992).

2.2. Commons as “commoning”

The second approach to the commons develops later (say around 2000) and in a different disciplinary field, namely (post-Marxist) political theory. This approach does not read the commons as assemblages of things and humans but as the result of social practices of “commoning”.

According to Hardt and Negri, “common” means not only «the common wealth of the material world – the air, the water, the fruits of the soil, and all nature’s bounty», but «also and more significantly those results of social production that are necessary for social interaction and further production, such as knowledges, languages, codes, information, affects, and so forth» (2009, p. viii, emphasis added). Similarly, according to Dardot and Laval (2014), the common is a principle, on which political obligations and the search for the common good are grounded, and not a thing, a substance or a quality of something. In this approach, therefore, the human takes a marked precedence over the nonhuman. What counts first and foremost is not how a biophysical entity or a process manifests itself to humans when they approach it, affecting the latter’s plans, but humans’ own act of establishing or recognising something (a forest, the sea, genetic information and everything else) in common, partitioning, assembling and handling it accordingly.

The conceptual shift from the commons as socio-material assemblages to commoning as a social process is important also because this term embroils with a most controversial politico-ethical notion: the “common good”. Common good roughly corresponds to the reasons or the basic goals that hold a community together; what is regarded as fair and desirable for all and everyone. Commoning as a constituent process is therefore the act by which the common good is established or recognised. This draws attention to the fact that considering a use regime only according to efficiency criteria neglects how such criteria imply a given distribution of power and agency (however legitimated: from gender to lineage, to the right of occupation), and assumptions concerning what is to be regarded as success or failure. For example, in the *Second Treatise on Government*, Locke remarks that «the wild Indian» who is «still a tenant in common», can be «a king of a large and fruitful territory» and yet «feeds, lodges, and is clad worse than a day-labourer in England» (Locke 1823[1689]: 116, 122). One can argue, however, that Locke and the wild Indian had different views about what makes a person wealthy and a life worthy of living, or what is sound for nature or other people. A direct comparison of their approaches in terms of efficiency, therefore, is spurious.

Compared with the institutional economy outlook, the commoning one seems actually to build on a different imaginary. The former is affected by the

idea of physical scarcity, which connects it with classic, rather than neoclassic, economy, and above all with the “limits to growth” narrative that, similarly to Hardin’s “tragedy”, emerges around 1970 as a result of the growing saliency of environmental threats. The commoning approach, whatever its theoretical underpinnings (Marx, Spinoza, a combination of the two or other scholarship), implies a view of unlimited ordering power. In this sense it is aligned with the “growth of limits” narrative that post-Fordist capitalism and neoliberal regulation have imposed since the 1980s (Pellizzoni 2011); a narrative that reaffirms in an intensified way the primacy of human agency over the material world that the environmental crisis and the ecologist movement had brought into discussion.

2.3. *Commons as rights*

The third approach builds on legal and historical studies. The focus is on the marginalisation of the commons in modern society to the benefit of the state/market dichotomy, in the framework of proprietary individualism (the idea that property is a fundamental individual right, of use and abuse, which by extension applies also to the state as a legal person), as theorised by 17th-century thinkers and adopted by modern legislation.

The crucial historical event are the “enclosures”, the fencing and entitling to private owners of portions of land previously open to local communities; a process begun in England, where it was prominent especially between the 17th and the 19th century, but extending to mainland Europe and elsewhere (first with colonisation and then with the “modernisation” programmes imposed to decolonising countries). No less relevant was cultural change, with an inversion in the conceptualisation of the relationship between private and common property. While for Cicero as well as for Aquinas resources, as a rule, are owned in common, their exclusive attribution being an exception to be adequately justified, Locke reverses the argument. Resources, he claims, can be beneficial to any particular person only if this person owns them. Moreover, if nature gains value through the application of human labour, conferring exclusive control of the outcomes of such labour to those who have worked is both morally right and collectively beneficial, because of the increased yield this work ensures. Private property, therefore, has priority – «at least where there is enough, and as good left in common for others» (1823[1689], p. 116), Locke adds, showing how the primacy he assigns to private property builds on an imaginary of abundance.

As Harvey (2003) and others have argued, enclosures are not a historically delimited process but occur whenever mechanisms of separation and commodification are applied to any type of resource, often thanks to new technical pos-

sibilities. The approach of rights, therefore, tries to address new or intensified enclosures, often drawing inspiration from non-modern or pre-modern institutions and practices, from indigenous conceptions of the Mother Earth as the gathering together of all beings, human and non-human (the Quechua notion of *sumak kawsay* or the Aymara one of *suma qamaña*, rendered in Spanish as *buen vivir*), to medieval “collectivist” institutions like the German *Marke* or the Russian *obščina* (which entailed common properties or use rights over land, pastures and forests), or early written legislation on the commons, especially the English *Charter of the Forest*, a complementary charter to the *Magna Carta* first issued in 1271, which warranted rights of access to the royal forest (Linebaugh 2008). Also Roman law is reconsidered by those who claim that, contrary to frequent allegations (Mattei and Capra 2015), it does not conceive of private property as premised but as subordinated to common property (Thomas 2002).

Of course, one thing is to talk of a right of the commons, or the Mother Earth, as with the constitutions of Ecuador and Bolivia; another is to talk of a right to the commons, as many legal scholars do, often focusing on access rather than property. This is the approach adopted by a bill filed in 2010 at the Italian Senate to amend the civil code, according to which the commons are «things expressing utilities functional to the exercise of fundamental rights and the unconstrained development of the person» (the bill can be found at <https://www.senato.it/service/PDF/PDFServer/DF/217244.pdf>). Access to such things must therefore be ensured independently of ownership. In this way the case for a right to the commons resembles closely the case for commoning, in a functionalist rather than voluntarist key. If the commons are relations rather than things (Mattei 2011), then their list varies according to the contingent outcomes of political conflict. It has been stressed that between resource or service and community there is a circular relationship, one being constitutive of the other (Marella 2012). Yet this remains more a theoretical enunciation than a principle from which regulative consequences are drawn, for example in terms of relations between state and local communities. Moreover, humans result once more provided with the power of defining the terms of the relation between resource and community, giving things a passive, plastic role.

3. APPROACHES TO THE COMMONS AND CRITIQUE OF CAPITALISM

The approaches above have not to be regarded as independent of each other. In fact, there is no lack of cross-references in the respective literatures. As said, the institutional economy outlook offers a sort of backbone to any discourse about the commons, in its turn being concerned with issues of rights definition

and allocation. Also, political theory and rights-based approaches can hardly ignore each other, especially when the constitutional level of the commons is addressed. Yet, as we have seen, an analytical distinction highlights interesting peculiarities.

Peculiarities include also the type and intensity of critique of capitalism. Ostrom's criticism is expressed in her contestation of the state and the market as exhausting the possibilities of efficient resource management. Yet, for Ostrom, «a commons is not value laden – its outcome can be good or bad, sustainable or not» (Hess and Ostrom 2007: 14). The commons are not alternative to state and market, but can and should stand by their side. Institutions for the commons can find their place within complex governance arrangements that include hierarchy, market and community self-government. A mix, for example, is regarded as a viable solution for global commons such as the oceans, the atmosphere or biodiversity (Dietz *et al.* 2003).

For Ostrom, in short, the failures of capitalist economy are specific and contingent, not systemic; which is, instead, what theorists of commoning claim. For these, a radical critique of capitalism, for the dramatic injustices and social and environmental devastations it engenders, is mandatory. Not surprisingly, therefore, they consider Ostrom's approach as entertaining an ambivalent relationship with the ruling order: partly critical but partly compatible if not functional. For example, it is noted, this approach may end up supporting the neoliberal case for third sector or community-based initiatives, as simultaneously compensating for market failures and reducing state expenditure for the welfare (Haiven 2016). More in general, a “managerial” approach to the commons is unable to account for power struggles and inequalities, which not only surround any particular commons, but affect also its internal life. Even if self-management regimes are usually considered intrinsically egalitarian, open and participative, they can entail racism, sexism, colonialism and other forms of oppression (Kenis and Mathjis 2014; Haiven 2016). Ostrom acknowledges that, to work effectively, a commons has to circumscribe the range of its users, hence inclusion and participation go hand in hand with exclusion and marginalisation, yet she looks at the issue in terms of efficiency rather than power dynamics, which according to the theorists of commoning prevents from any serious critique of capitalism.

On the contrary, the idea of a right of the commons, that is, of nonhumans as inextricably connected with humans and subject of rights like the latter, is clearly at odds with the ruling order. This idea often underpins alter-globalisation movements, especially those of Latin America. Struggles against dams, oil drills, mining, deforestation, genetically modified crops are sometimes described as “ontological” in that they build on a denaturalisation of Western dualisms

(subject/object; nature/culture; public/private etc.) in favour of perspectives by which «all beings exist always in relation and never as “objects” or individuals» (Escobar 2010: 39).

The perspective of the right to the commons is more nuanced. The insistence on the necessity to defend and expand the commons represents by itself a critique to proprietary individualism as the only horizon of social regulation. The intensity of criticism, however, varies. The medievalist outlook, which implicitly and explicitly borrows to a remarkable extent from the commoning literature, usually expresses a radical critique of capitalism, regarded as not amenable to reform, hence to be replaced with a new social order. The Romanist approach tends to focus on technical aspects, trying to see how the protection and promotion of the commons can be realised within legal orders which in other respects (for example concerning representative democracy and the protection of individual freedoms) are regarded to work pretty well. The prevailing attitude, in other words, is reformist (see e.g. Lucarelli 2013; Maddalena 2014).

4. LIMITS OF RADICAL CRITIQUE

To sum up, in the three perspectives on the commons I have addressed the critique of capitalism takes either moderate or radical tones. If it can be said that the moderate positions fail to take into account the seriousness of the economic, political and environmental crisis, which seems to ask for more than cautious adjustments, also radical standpoints show major weaknesses. The latter are often criticised for their typical apodictic tones and vagueness concerning agents, modes and outcomes of the post-capitalist transition (Vitale 2013). Yet a more serious, and in my view theoretically interesting, weakness may reside in the rationale of the argument developed.

The theme of the “capture” of critique by its target has been raised various times with reference to the emergence of post-Fordism. A well-known example is Boltanski and Chiapello’s (2005) thesis about the “new spirit of capitalism”, as building on the integration of the “artistic critique” raised by intellectuals and social movements against the Fordist mode of production, with the values of freedom, autonomy and creativity being translated into flexibility, networking, communication, and permanent education. Similarly, Paolo Virno defines neo-liberalism a “counterrevolutionary” movement that applies revolutionary ideas to contrast revolution: the impetuous innovation of modes of production, forms of life, and social relations promoted by the movements of the 1970s has been transformed, he claims, into «professional requisites, ingredients of the surplus value, and leaven[ed] for a new cycle of capitalist development» (1996: 242). A

further iteration of this argument comes from Nancy Fraser (2009), who detects a “disturbing convergence” of second wave feminism with the demands of post-Fordist capitalism, with reference to the former’s case against welfare state’s paternalism and neglect of questions of redistribution and political economy in favour of a politics of identity and self-affirmation.

One has to ask, then, if also the radical case for the commons is exposed to the same danger. Its theoretical underpinnings can be drawn to a specific current of post-Marxism, namely the so-called “post-workerism”. The post-workerist thesis about cognitive capitalism constitutes the backbone of the argument about the constituent power of the common.

Marx talked of “general intellect” referring to the technical expertise and social knowledge objectified in fixed capital. Post-workerist theorists stress how, the more capitalism builds on knowledge and innovation, that is immaterial labour, the more the general intellect shifts from machines to the linguistic and communicative abilities of humans, their capacity of learning and cooperation, their creativity, affectivity and ethicity (Virno 2004; Moulier Boutang 2007; Vercellone 2007). These capacities, it is claimed, are formed outside production processes, nor capital can and wishes to internalise them, as the generation of surplus value stems precisely from unbridled creativity. The open, informal spaces of the “smart” factory, where workers are free to move, gather, discuss or reflect by their own, emblematised the distance of new capitalism from the old productive model. Labour’s subsumption to capital tends to become again formal, rather than real, as happened with the Fordist factory.² This provides room for enacting post-capitalist relations and orienting innovation accordingly (frequently cited examples are the various forms of hacking in the ICT and biotech fields). Thus, cognitive workers’ commoning is simultaneously central to capital accumulation and to the possibility of radical change. As with feudal society in respect to the advent of capitalism, cognitive capitalism is producing the conditions for its own overcoming.

This claim, which reformulates the classic workerist thesis of the pre-eminence of labour over capital, its constitutive excess in respect to any attempt at capture, is extended by post-Marxist scholarship also to the “infinitely productive” potentiality of non-human nature, «as something presupposed, but not produced, by state and capital» (Braun 2014: 11). It is claimed, for example, that the burgeoning role assigned to “ecosystem services” – defined as the benefits

² Marx’s distinguished between formal and real subsumption of labour, according to whether workers enter a wage relation with capital while retaining their own skills, hence a creative control over the labour process, or become cogs in the assembly line, their contribution to production being reduced to mere bodily-psycho energy.

biophysical systems provide “by their own” to humans³ – indicates the growing relevance of «self-organizing dynamics and regenerative social-ecological capacities outside of the direct production processes» (Nelson 2015: 462), the measurement and commodification of which creates continuous tensions and contradictions (Robertson 2012). On both sides, the human and the nonhuman, capitalism appears therefore parasitic on dynamism and vitality that it grabs but is unable to produce and constantly eludes attempts at, and motivation to, control. Such dynamism and vitality, whatever its institutional translations, is what the radical case for the commons is all about.

That things are not necessarily so easy, however, is suggested by opposed evidence. “Commons fixes” (De Angelis 2013) are ever more regarded as crucial, at political and business level, to dealing with economic decline and devastation of social and environmental reproduction without engendering any actual systems change. Commoning efforts are therefore prone from the outset to the risk of integration in the ruling order. For example, many look with enthusiasm at the new forms of sharing and cooperation enabled by ICTs, from open source to crowdsourcing, to digital money. Yet, these result deeply ambivalent, challenging market relations but also offering a template for new business models and, more in general, a fertile terrain for accumulation (Brabham 2013; Söderberg and Delfanti 2015; Berlinguer 2018). One should reflect, moreover, that autonomy and creativity do not operate in a social void, but in a context dominated by prescriptive cultural and organisational models of fulfilment, achievement and reward, including the orientation to result and the domination of client demands, capable of orienting conducts indirectly, beginning with how the “creative” worker portrays herself, the world and what is good and desirable for both (Dardot and Laval 2014; Haiven 2016). The blurring of productive and artistic work, of manual and cognitive-relational tasks, brings into question the very distinction between formal and real subsumption of labour (Chicchi *et al.* 2016).

As for nonhuman labour, the very expression “ecosystem services” conveys the idea of a full acquisition of nature to a logic of economic efficiency and value extraction. If, for example, one looks at industry’s position regarding so-called “green infrastructures” (defined as planned and managed natural and semi-natural systems involving water, air and land use), one finds that these are regarded as providing firms with significant benefits compared with traditional gray

³ These include provisioning (e.g. food, water, energy, genetic and medicinal resources); regulating (e.g. carbon sequestration and climate regulation, waste decomposition, pest and disease control); supporting (e.g. nutrient cycles, soil formation, crop pollination); and cultural services (e.g. spiritual and recreational benefits). See Millennium Ecosystem Assessment (2005).

infrastructures, including reduction of initial and ongoing expenses, increased energy efficiency and effective management of socio-political risk through innovative collaboration with key stakeholders (The Nature Conservancy 2013). The traditional capitalist vision of land as provider of goods free of charge returns in an intensified form. In the past the non-living world could be subsumed to capital only formally (Boyd *et al.* 2001). Now the distinction between living and non-living is questioned in a number of fields, from biology to chemistry and cybernetics (Pellizzoni 2016), and both are simultaneously put to work to enhance productivity, for example when new mining techniques utilise microorganisms (Labban 2014). Similarly to what happens with human labour, the blurring of the living and the non-living makes the distinction between formal and real subsumption increasingly questionable. Everything can be enclosed, disassembled and reassembled in novel configurations to make it (more) suitable to commodification. Biophysical self-organising and regenerative capacities are therefore hardly beyond the reach of capitalist accumulation.

If, moreover, one thinks of most resonant institutional translations of the radical case for the commons, namely, the constitutionalization of the rights of the Mother Earth, the distance between declarations and reality is remarkable. For example, in Ecuador the state retains administrative and decisional control over biodiversity and natural resources, while the President can impose a national development plan. Notwithstanding indigenous and local autonomies, extractivist and productivist policies proceed largely undisturbed (Gudynas 2010). Similarly, regarding Bolivia and the “Indianist” politics of the Morales government, some scholar talks of “neoliberal multiculturalism” (Poupeau 2012: 67), in the sense that the pre-eminence given to ethnic identity over social inequalities turns out functional to neo-extractivist policies and unable to challenge dominant relations of exchange. A recent comparison of the experiences of Ecuador, Bolivia and Venezuela, though more nuanced, reaches no less critical conclusions (Formenti 2016). More in general, the trust placed by much radical critique in “ontological struggles” as attacking the core of capitalist exploitation – the Cartesian, dualist view of nature – fails to consider how non-dualism is the bread and butter of much current science and technology, for example in the biotech field. Indeed, the fundamental feature of biotechnology is the combination of biology and informatics. “Life” becomes simultaneously matter and information, thingness and cognition, presence and pattern, “wet” and “dry”, real and virtual, moving fluidly from living cells to test tube, to digital databases (Thacker 2007). As a result, biotech patents can be claimed to cover both genetic information and the organisms incorporating such information. In other words, there is nothing automatically emancipatory in non-dualist ontologies (Pellizzoni 2016; for a similar point from a classic Marxist perspective, see Hornborg 2017).

5. COMMONS AS INOPERATIVE PRAXIS

To sum up, the radical case for the commons seems to build on unwarranted assumptions about the capacity of human and nonhuman labour to overhang capital's capture. Indeed, capitalism and its opponents seem to share a same ontology of potency, so that the very vital excess that should ensure the primacy of labour over capital enables from the outset the incorporation of the former into the latter. If life is flux and constant becoming, then capital embodies the vital principle at its purest, given its constitutive inessentiality, its being endless flux and becoming (M-C-M'...). Any emergent excess of the common, in this way, seems bound to be assimilated by the next capitalist reorganisation.

Is there any way out of this deadlock? If the problem is the ontology of potency, then it may make sense to try the opposite route. Along this route one immediately meets the question of inoperative praxis, or inoperosity, a theme that has fascinated a variety of scholars, from Kojève to Bataille, from Nancy to Blanchot, and more recently Agamben. Though accounts of the notion vary, what is sure is that inoperosity does not mean contemplation or resignation, but a non-purposeful, non-instrumental modality of living and acting, capable for this reason of suspending the apparatuses of domination and exploitation. Inoperosity, says Agamben, is «an activity that consists in making human works and productions inoperative, opening them to a new possible use» (2014: 69). For him inoperosity is possible because the human «is the animal who can its own impotentiality» (Agamben 2010: 290), abstaining from actualising its potential. Inoperosity discloses in this way an alternative to a politics grounded on constituent power. The latter finds expression in the commoning approach and more in general in the idea of revolution, of a radical change based on the vital force of a new collective subject, whose violence is allegedly the last one, being bound to abolish all forms of violence. An alternative politics, then, or a politics for a real alternative, can build on “destituent” power.

To think such politics, Agamben says, «we have to imagine completely other strategies, whose definition is the task of the coming politics» (2014: 70). This, however, does not mean that we have no clues to what a destituent power or inoperative praxis may look like. For example, the feast is the day where «what is done – which in itself is not unlike what one does every day – becomes undone, is rendered inoperative, liberated and suspended from its “economy”, from the reasons and purposes that define it during the weekdays» (Agamben 2014: 69). Similarly, St. Paul conceives of messianism as the deactivation «of any juridical-factual property (circumcised/uncircumcised; free/slave; man/woman)» (Agamben 2005: 25), so that one can live one's own condition in the form of the “as not”. In both cases the indication is that, to change the world, one has not nec-

essary to do different things but to do the same things differently⁴. In this sense the messianic “as not” is not necessarily provided with impolitic consequences. Rather, it suggests that any change begins with a change in the attitude towards oneself, the others, the nonhuman world (post-workerist thought, with its vitalist tones, seems to distort the spirit of a most distinctive trait of workerism, namely, the case for the “refusal of work”, that is, of the capitalist instrumentalisation of work to accumulative purposes; see Tronti 1980).

From this perspective the commons could be reconceived as neither resource management regimes, nor the result of political acts of institution or state-backed rules of access, but socio-material assemblages corresponding to an inoperative praxis; the places and times where a “passive politics” (Franchi 2004) is enacted, typically by choosing “not to” – do something doable, achieve something achievable, extract value available, handle something in a possessive way, and so on.

A crucial historical experience in this sense, to which Agamben (2013) pays particular attention, is Franciscanism. In their effort to imitate Christ’s life, Franciscans tried to establish a form of life where “poverty” meant abdicating to all types of right, considering the use of things a mere fact, as animals make use of what nature offers them according to their needs. Franciscans, in other words, pointed to a systematic dispossession, of oneself and of the world. The commons in this perspective, rather than something collectively owned or managed, become anything capable of responding to contingent necessities.

Franciscans’ attempt to renew Christianity and the Church failed (for Agamben, Franciscans made the mistake of engaging in a long dispute with the Church on the legal meaning of poverty and use, whereas their core standpoint was to place their experience not against but outside law). Yet, from another perspective, it was successful. Their elaboration of poverty, not as a condition but a choice, opened the way on one side to the modern notion of property, as based on an act of will over things (Grossi 1972); on the other to a strategy of use of things as something that can be handled and circulated without being owned, outlining in this way basic categories of modern economic thought, from the idea of use-value to the separation between ownership and management and the modern concept of finance (Todeschini 2004). As Simmel has remarked, at the moment in which poverty is hypostatized it loses any ascetic orientation towards

⁴ In the post-messianic condition, Agamben (2000) notes, everything will be as it is now, only a bit different. This may be connected with Adorno’s and Benjamin’s idea that technology is not necessarily exploitative of nature. The task, then, would be think of “another” technology, not in a sense of a leap forward (the usual gesture of progress) but of a lateral movement – making science and technology inoperative, that is not aimed at instrumentalising the world (including the human body) to goals of infinite value extraction and self-enhancement. Separating feasibility from realisation at any level, from basic research to product commercialisation, is arguably a key move in this direction.

the world, taking instead a managerial outlook, while «money is elevated from its intermediary position to absolute importance» (Simmel 2004: 255).

Then, what can be drawn from Franciscanism, for the purpose of a commons-based critique of capitalism, is that the attitude towards things is crucial: one has not necessarily to give up possession, but to possess as if not possessing. At the same time, such attitude should be more than an expression of will; better, it requires a particular type of will, one which chooses an inoperative praxis, taking, as it were, a step back to let things come to the forefront. Inoperosity means making things work for us (as capitalism actually seeks to do with “green infrastructures”) while simultaneously putting us at work for them (something to which capitalism is completely alien). It means, so to say, helping things fulfil themselves, according to their features and dynamics. From this viewpoint, the place of real rights (rights *in rem*) in current legal systems is worthy of a reconsideration. While personal rights (rights *in personam*) entail a relationship, between creditor and debtor, which runs internally to the social world, things being just a means for fulfilling obligations and implied interests, rights *in rem* focus on the relationship with things, with *that particular thing*, with its own features as they endure and change, which give opportunities but also sets limits to human will. Said differently, in rights *in rem* the agency of things is by necessity recognised by owners and anyone else.

6. CONCLUSION: INOPERATIVE PRAXIS AND THE “GREEN NEW DEAL”

Along this line of reasoning current social effervescence can be addressed, to see whether and to what extent it builds on and enacts an inoperative praxis. This regards not only “ontological struggles” in the South of the planet, but also new types of mobilisations in the North: from food and energy movements (farmers’ markets, community supported agriculture, food policy councils, community energy initiatives, the “transition towns” network, solidarity purchase groups etc.) to the “new domesticity” of crafting and making (canning, sewing, mending, upcycling etc.).

Such initiatives express a “new materialist” politics, which replaces protest with concrete actions at the level of body and materiality, aimed at building alternative forms of community organisation and material flows where individual acts of resistance are at the same time acts of institutional reconstruction, away from the circulations of global capitalism (Meyer 2015; Schlosberg and Coles 2016). New materialist mobilisations, in this sense, seem to represent instances of “commoning” which refrain from celebrating unlimited institutional powers to privilege humbleness, restraint and empiricism, and avoid focusing only on

social relations to pay attention to the relation with things, the embeddedness of action in a particular place and time. Indeed, territory and place seem increasingly key to building forms of resistance and opposition to the global flows of capital (Formenti 2016). Hence the saliency taken, in accounting for emergent conflicts, by political cleavages such as high/low; close/distant; local/global; elite/people; general/particular (Caruso 2010).

The potentials of such mobilisations are at the moment difficult to assess (Davidson 2017). They represent a novelty of these years, looking promising first of all for this reason. However, one has to be aware that insisting too much on coreporeity and immediacy, with no proper political elaboration⁵, may lead to reproducing vitalist postures, falling back to the emancipatory illusion of constituent power, and that new mobilisations may be, at least in part, functional to reconstituting the substrate of sociality that capital needs but cannot produce. These, however, are issues to be addressed empirically, more than theoretically. To this purpose, the idea of inoperative praxis may provide a valuable analytical key.

Such a key seems especially useful to critically address the promises and perils of the emergent storyline and policy framework identified by the expression “Green New Deal” (GND). In Wikipedia one can read that GND identifies «legislation that aims to address climate change and economic inequality. The name refers to the New Deal, a set of social and economic reforms and public works projects undertaken by President Franklin D. Roosevelt in response to the Great Depression. The Green New Deal combines Roosevelt’s economic approach with modern ideas such as renewable energy and resource efficiency» (at https://en.wikipedia.org/wiki/Green_New_Deal#Individuals_2). Ostensibly, therefore, GND aims at (more) just and equitable policies for the mitigation of, and adaptation to, climate change. There is, however, considerable scope for interpretation regarding the type actions GND implies. According to commentators (Garavini 2019), a rather sharp difference is already emerging between those, such as exponents of the American Democratic Party, who put the emphasis on the “new deal” component of the expression, hence on public investment and social justice, and those, such as the newly-installed European Commission, who emphasise the “green” component, in the sense of private investment and market relations, as per the current “green economy”. This raises the doubt that GND may end up being little more than a new catchword for the usual greenwash strategy, aimed at hiding, or making acceptable, the reality of an ever-increasing value extraction and resource depletion. In this sense, a crucial question is whether and to what extent the case for a GND can be capable of distancing itself

⁵ Adorno (1998) has warned against the primacy of praxis over thought and theory: for him any immediacy is illusory and its celebration fails to acknowledge the conceptual mediations (and related possibilities of manipulation) that underpin it.

from the “ecological modernisation” (EM) framework that dominated environmental politics in the last decades, being supported by and in its turn supporting post-Fordist capitalism. EM and GND seem to share an unconditional trust in the healing virtues of technological innovation. Two issues arise in this regard. First, the way innovation is designed and diffused produces structural (rather than accidental) injustices and inequalities, systematically prioritising commercial and elite interests over social ones, and distributing unevenly the costs and the benefits of innovation (Freudenburg *et al.* 2008; Pellizzoni 2019). Second, there is no hint, in the GND storyline, about the need to address the exploitative, dominative, relationship with the biophysical world (including the human body), which is at the origin of the ecological crisis and which the development of science and technology has incessantly strengthened.

Against this backdrop, the relevance of the case for an inoperative praxis and the significance of new materialist movements in this respect emerge clearly. Only by changing the way innovation is conceived, the assumptions about the human and the nonhuman on which it is based and the goals it is set to pursue – something which at least part of new mobilisations seems committed to actualise in their embodied critique of capitalist relations – it is really possible to conceive of a new way of inhabiting the planet. The need, in other words, is to go beyond GND, at least as it has been understood so far. The idea of the commons as a meeting of people and things, stripped of celebrations of human power, indicates that any “new deal” should crucially concern the relationship with the nonhuman world.

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