# Rethinking Enclosure: Space, Subjectivity and the Commons

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**Abstract:** While concepts of "enclosure" and the "commons" are becoming increasingly popular in critical geography, there have been few attempts to think them together. This paper sets out a dialectic of enclosure–commons as a means for thinking through contemporary processes of exclusion, violence and alterity. We examine what is at stake through a *geographical* reading of enclosure, that is, the processes through which neoliberalism works through—and summons into existence—certain forms of spatiality and subjectivity. In doing so we confront the spatialities of enclosure's "other": strategies and practices of commoning which assemble more inclusive, just and sustainable spaces. We examine the *materiality* of enclosure across a range of sites, from processes of walling to a more substantial assessment of the diverse assemblage of materials and subjectivities drawn into modalities of enclosure. We go on to explore the inscription of enclosure on the human body through an examination of, first, law, and second, biopolitics. In conclusion, we explore the implications of this argument for critical geographical scholarship.

**Keywords:** enclosure, the commons, assemblage, citizenship, biopolitics

> The fall of the Berlin Wall was supposed to signal the advent of the single world of freedom and democracy. Twenty years later, it is clear that the world's wall has simply shifted . . . New walls are being constructed all over the world: between Palestinians and Israelis, between Mexico and the United States, between Africa and the Spanish enclaves, between the pleasures of wealth and the desires of the poor, whether they be peasants in villages or urban dwellers in favelas, banlieues, estates, hostels, squats, and shantytowns. The price of the supposedly unified world of capital is the brutal division of human existence into regions separated by police dogs, bureaucratic controls, naval patrols, barbed wire and expulsions (Badiou 2008:38).

So paints Badiou a vivid and bleak picture of the materialisations of contemporary enclosure. While traditionally understood as the transformation of commonable lands into privately owned hands, and the concomitant extinction of common rights to land and resources, enclosure has emerged in recent years as a key process of neoliberal globalisation (see Blomley 2007, 2008a, 2008b; Ferguson 2006;

Retort 2005; Vasudevan, McFarlane and Jeffrey 2008). As Nick Blomley (2008a, 2008b) has recently pointed out, there is now a rich body of scholarship which explores the various historical geographies of enclosure with a view to tracking the many representational devices through which the very act of enclosure was itself documented and legitimised (mapping being only the most obvious case in point). Like Blomley (2007:1), we believe that it is equally important, however, to draw attention to the "consequential and often contradictory role of material objects in producing enclosure". Today, we might think, for instance, of Israel's separation wall, the wall spanning parts of the US–Mexico border, or the post-apartheid walling of South Africa (Brown 2010)—processes Slavoj Žižek (2009) has recently described as "social apartheid" on a global scale. For us, a driving question relates to how different materialities and technologies enter into the *constitution* of enclosure? Here, enclosure needs to be rethought and broadened from its Marxist origins as a basis for thinking both the articulation of neoliberal norms and a resurgent and violent form of geopolitics. Our project is motivated by a desire to expose and counter the materialisations of enclosure. We are interested in how the seizure of the commons is actively assembled through porous, sociomaterial and distanciated forms of enclosure—through relations of stability and flux, fixity and movement. In doing so, we are equally concerned with how we might think enclosure's *other*: strategies and practices of commoning that do not necessarily avoid walling, but which assemble more inclusive, just and sustainable spaces. While recent years have seen an increase in debates on both enclosure and the commons in Geography and critical social science more generally, there have been few attempts to think them together (see, for some exceptions, Blomley 2008a; McCarthy 2005).

   Primitive accumulation, or what David Harvey (2003) has called "accumulation-by-dispossession", is clearly not a bygone era of capitalism, but is central to how capitalism operates. Whether in the form of resource wars, the often violent seizure of public lands for private capital, in bio-piracy, the destruction of the global environmental commons, or the revanchiste onslaught on public services across the global North, capitalism is dependent on the division, conversion and demolition of various forms of public life. What are the geographies of this variegated process of enclosure today, and what does that geographical reading bring to a conception of enclosure? This, to be sure, is an ambitious question, but for us it is essential that geographers do not shy away from asking "big questions". Capitalism is a disparate and far-reaching set of processes of exploitation, alienation and displacement, and enclosure is only one of its rubrics, and yet, we need to attempt to map capital's diverse present precisely because capitalism itself continues to relentlessly expand, reproduce itself, intensify and connect different domains of politics, economy, culture and ecology. There are always certain risks in a form of writing oriented to grand narratives, including the potential gathering up of too much under the heading of "enclosure", of hollowing out heterogeneity and difference, or implying that a focus on "wider" or "bigger" processes necessarily reveals more about inequality and political economic change than "smaller" processes or sites. But these questions should not delegitimise the task of writing across multiple sites and processes. Indeed, we see mapping enclosure as simultaneously intellectual *and* political, and for that reason, necessary and urgent.

Indeed, it is because of our commitment to the politics of grand narratives that we aim to think enclosure and the commons together, as an insistence of not just mapping and debunking but generating new imaginaries, possibilities and associations through the commons. The commons, after all, is a name for a disparate set of practices and conflicts across the globe connected—sometimes directly—by a commitment to life beyond marketisation, privatisation and commercialisation, including: "…movements such as protests against dam construction projects in India, indigenous resistance to lumber companies seeking access to traditional territories, political organisation against the privatization of social housing or health care and campaigns against bio-piracy" (Blomley 2008a:324). Hardt and Negri (2009) usefully deepen this perspective by positioning the commons as an ideal that does not simply defend, but which generates new forms of life. For them, the commons is a gathering of multiple knowledges and ways of being. It is not a category of sameness, but an "affirmation of singularities" (Hardt and Negri 2009:124), that is, it resonates with their earlier (2004) notion of the "multitude" in that singularities are not required to shed their differences in order to form the commons, but takes a further step away from the vanguard politics detectable in multitude. Enclosure is not predicated on displacement and land grab alone, nor on class exploitation, but on the appropriation of wealth produced in common, from affective ties and cooperative care that characterise so-called "knowledge" or "creative" industries, to the focus on communication, collectivity and inclusion in forms of marketing, advertising and intellectual labour. At stake in the commons is not just access to resources, but the potential of utilising existing forms of collectivity for more socially and ecologically just purposes (see, for example, Reid and Taylor, 2010).

The paper sets out three approaches to the dialectic of enclosure–commons that draw upon our respective research projects, and which we believe are particularly important in the current moment: materiality, law and biopolitics. Given our concern with the tensions and contradictions of enclosure and commons, the mode of argumentation is dialectical. The paper is the product of a recurring encounter in our three respective research projects between enclosure and commons, a methodological working through the contradictions and paradoxes between and within these two sightlines. In developing a dialectical argument, we are not suggesting that enclosure–commons constitutes a kind of totality or even an aggregate, nor are we implying that they straightforwardly define one another. Instead, from our perspective, their transformation depends on how they become entwined and contested. If enclosure is a seizure of the commons, the commons is a *generative spacing* that is not simply reducible to but that variously precedes, responds to, and exceeds processes of enclosure (see Blomley 2008a:320). We hold the dialectic of enclosure–commons in tension by identifying how it produces specific materialities, spatialities, and subjectivities. Part of our inspiration here comes from the long history of dialectical thinking in geography, notably in the work of David Harvey (1989:11), who has argued that "pursuing an argument in this way allows us to follow how antagonisms get resolved under capitalism and how each contradiction gets internalised a-fresh in new realms". Or as he earlier argued (1973:130), "the dialectical method allows us to invert analyses if

necessary, to regard solutions as problems, to regard questions as solutions" (see Dixon, Woodward and Jones 2008; Doel 2006). Our use of the dialectical method eschews, in this way, formalism and premature closure. Dialectical materialism as Henri Lefevbre (2009) famously argued is always in motion, refusing to enclose knowledge and practice.

## Assemblages of Enclosure

Physical walls and boundaries constitute the most rudimentary and geographically obvious form of enclosure. In her important work on the contemporary proliferation of wall building, Wendy Brown (2010) identifies at least three starting points for thinking about walling. First, as a number of commentators have pointed out, walling is if anything a response to the weakening of nation-state sovereignty. There is not the space to rehearse this important debate here (Hardt and Negri 2004; Ong 2007), but neoliberal globalisation has undoubtedly prompted a shift in the way in which sovereignty is spatialised. The exercise of sovereignty increasingly depends on a more complicated geography of transnational assemblages, flows and enclaves. Walling, and this is Brown's argument, is an anxious, sometimes desperate icon of this new predicament. Second, and as a consequence, what interests us with respect to walling-as-enclosure is its insistent performativity. Walls are often not particularly effective. If anything, they can serve as important theatrical devices that perform and trouble sovereign state power. As a corollary, to unpack the machinery of spectacular effects associated with walling is to draw attention to the vulnerability of state power, not its recrudescence. And third, while it may appear straightforward to focus on the obdurate materiality of walls, as Eyal Weizman's (2007) work on the Israeli walling of Palestine has suggested, we need to be equally mindful of how walls allow certain forms of porosity and elasticity as well as separation.

If walling is proliferating, one site through which that walling is vividly portrayed is the contemporary city as part of the architecture of an elite capitalism. The cities to which rural migrants were driven to through rounds of structural adjustment initiated in earnest in the 1980s, and which facilitated in several countries the growth of large agribusinesses and the consequent impoverisation of small farmers and labourers, have become increasingly polarised and fragmented, forming jarring archipelagos of wealth and poverty. The same structural adjustment that brought struggle and poverty for the many brought for the elite increased opportunities of relaxed import regulations, including greater financial flows, global goods and often enabling regulatory environments for new high-end capital intensive residential and service industry developments. As Graham and Marvin (2001) argue in their seminal *Splintering Urbanism*, global neoliberalism has served to intensify the fragmentation of the urban landscape as new privatised, secessionary enclaves of infrastructure and services splinter from the city and, in the process, sever any contemporary possibility of modern, uniformly networked urbanism. For example, Ravi Sundaram (2004:64) has argued in relation to Indian cities that this splintering is the alignment of multiple materialisations of enclosure:

> Planning bodies now base their strategies on smaller projects rather than unitary visions, push for privatised decoupling of infrastructures; transportation design privileges the

automobile flyovers and private toll highways to facilitate rapid travel to the suburbs, private builders take over from older, albeit limited concerns with social housing.

From Mumbai to São Paulo, New York to Glasgow, we are witnessing the entrenchment of urban inequality and the increasing fragmentation of the urban landscape. Gentrification has, in this respect, become a global urban development strategy, albeit with differential logics, histories, and levels of real estate investment (Smith 2002). But this is not a simple export of urban formations and developmental patterns from global North to global South. Indeed, as Smith (2002:436) points out, cities like Mumbai and Lagos increasingly appear as "leading incubators in the global economy, progenitors of new urban form, process and identity". These cities, then, are leading arenas of a more general neoliberal reworking of the city, from the demolition and renovation of informal settlements—for instance, the massive current effort to turn Dharavi, one of Asia's largest slums, situated in the centre of Mumbai, into a "world class cultural, knowledge, business and health centre"—to the growth of special economic zones (SEZs). While the vast majority of urban gated enclaves take the form of middle to upper class residential and commercial housing estates and condominiums—for instance in urban Brazil's high-rise architectural escapist fortification built on a politics of urban fear and congestion (Caldeira 2000)—these developments reach their zenith in contexts of strangled democratic accountability combined with bloated and corrupt financial flows, none more startling than what Davis and Monk have described as Dubai's spectacular fantasy environments of imagineered urbanism (Davis and Monk 2007).

As real estate prices escalate in many cities based on speculation and elite constructions of escape or congestion, the clearing of land for capital becomes more important, often accompanied by violence, intimidation and demolition of informal settlements. Writing in reference to urban India, Verma (2002) has described this seizure of land for capital as a "great terrain robbery" that has resulted in "mass slumming" as squatters are driven into ever larger, ever more crowded informal settlements. The consistent and often unpredictable demolition that threatens so many neighbourhoods constitutes the annihilation of space by the state for (and often with) capital—or, in Loic Wacquant's (2008) terms, the militarisation of marginality by the neoliberal penal state. But at stake in the enclosure of the gated city is not only prohibitive real estate prices and often violent dispossession, but a biopolitical rendering of enclosure. The state and urban elite often actively pursue a strategy of investing in the wealthy over the poor, even as the poor constitute the domestic labour upon which elite enclaves depend. If gated enclaves are the signature material form of this exclusive, walled urbanism, they often entail or reflect particular biopolitical imaginaries and choices that mean their significance extends beyond simply inflated real estate. As Bunnell and Coe (2005:841) argue in relation to Cyberjaya, part of Malaysia's elite Multimedia Super Corridor development:

We suggest that buying into the cybercorridor can in part be understood in terms of participating in modes of (self-)government based on lifestyle choice through practices of consumption. "Intelligent investment" (as one advertisement put it) in a "dot.com property" in Cyberjaya is thus not just about buying real estate—though it definitely

is partly that—but is also about investing in oneself and one's family for a supposedly immanent information age.

As a key spatiality of enclosure, walled urbanism is an assemblage of barriers, security points, guards, political economies of urban land, facilitating regulatory environments and biopolitical (dis)investments. This is an investment of the state in particular populations over others, an unequal biopolitical choice reminiscent of Ong's (1999:217) conception of the "postdevelopment state" marked by a graduated sovereignty that divides the population into different mixes of "disciplinary, caring and punitive technologies". Clearly, these disparate materialisations have profound impacts on the urban form and on citizens, perhaps nowhere more pronounced than in Palestine, where Weizman and Segal (2003) describe a "politics of verticality" that carves the city into separate spheres of circulation—for instance, the location of some Jewish suburban enclaves in upland areas with prime views, enabling constant surveillance and monopolising infrastructures over Palestinian settlements.

Urban walling is driven, then, through multiple materialisations. We see the assemblages of enclosure at work as much in the sovereign power that destroys informal settlements without recourse to democracy or law as in the emerging use of biometrics to monitor processes of relocation or upgrading of informal settlements, as well as in the provision of entitlements. As Harvey (2007) has argued in relation to accumulation-by-dispossession, primitive accumulation is not simply a pre-capitalist but a manifestly *contemporary* phenomenon, evident in the commodification and privatisation of land, the eviction of the poor, the suppression of rights to the city and the de-unionisation of urban labour power. But the enclosed city and its consequences are, of course, not new. Enclosure is not just a central element within primitive accumulation but also an historical driver of urbanisation itself.

For instance, Alsayyad and Roy (2006) conceptualise the splintered metropolis through the historical category of "medieval modernity", arguing that the relations between cities, enclavisation and informalisation, are an historical reproduction of other moments, albeit with distinct actors, logics and imaginaries. Similarly, Atkinson and Blandly (2005:185) assert that "the club good of security and neighbourhood services represented by gated communities resemble new medieval city-states wherein residents pay dues and are protected, literally as their "citizens"", while Davis and Monk (2007:xiii) argue that "modern wealth and luxury consumption are more enwalled and socially enclaved than at any time since the 1890s . . . the spatial logic of neoliberalism (*cum* plutonomy) revives the most extreme colonial patterns of residential segregation and zoned consumption". As Bunnell and Coe (2005:845) argue in relation to zoning technologies in East and Southeast Asia, rather than conceiving these processes as "new", we can trace some of their origins in Western colonial practices and enclaves (see McFarlane 2008). Historical practices become reworked in contemporary circumstances, as Gandy (2005:32) has argued in relation to technologies of control: "The hygienist discourses of the past have been radically extended by new technologies of surveillance and control in order to construct the *cordons sanitaires* of the twenty-first century." In these senses, we are witnessing less a new period of actively assembled gated enclaves than a

*resurgence* of a global gated urbanism with complex, often overlapping histories through colonialism, structural adjustment, often violent neoliberalism, and select biopolitical disinvestment, amongst other local logics, which leave little scope for socially and environmentally just urbanism.

This resurgence takes a variety of forms through assemblages of enclosure. For example, a key element in our interest in contemporary walling relates to the proliferation of (often but not exclusively urban) SEZs. An SEZ is a geographical region enabled by economic laws that are more "liberal" than a country's typical economic laws. It is a trade capacity development tool, with the goal to promote rapid economic growth by using tax and business incentives to attract foreign investment and technology. Today, there are approximately 3000 SEZs operating in 120 countries, which account for over US$600 billion in exports and about 50 million jobs. By offering privileged terms, the purpose of SEZs is to attract investment and foreign exchange, spur employment and boost the development of improved technologies and infrastructure. They are often gated, guarded and frequently involve state abandonment to private capital—witness, for instance, how they have become key elements in planning regimes in China and India. While there are debates about mechanisms through which both China (eg Arrighi 2008) and India (eg Chatterjee 2008) might limit the deleterious effects of capitalism, SEZs have become central tools for the erosion of the commons and the displacement of the public. For instance, in Mumbai, a huge new 14,000 ha corporate development called Maha Mumbai has been planned and built as a SEZ. This has involved a bold display of state abandonment to private control, in this case to the huge infrastructure firm, Reliance Energy, cast now as a de facto urban planning authority. As part of this broader trajectory, Mumbai's real estate market, driven by a host of formal and informal connections between developers, builders and the "underworld", has left 60% of its 17 million inhabitants living in various forms of materially and legally precarious informal settlement. But what might be other to these assemblages of enclosure? How might we begin to think about assembling a project of commoning that exceeds these forms of enclosure, that isn't reducible to its logics?

Again, the city is a key site here. As Manuel Castells (1983) powerfully demonstrated in *The City and the Grassroots*, resistance to capitalism has always had an urban character, whether in the shape of workers struggles and unionism, or cities as a space of refuge, gathering, and alternative lifestyles and subcultures. These disparate movements have campaigned for rights to live in the city, and often struggle around a wide range of different claims, as the burgeoning literature on "rights to the city" has shown (eg Harvey 2008; Mitchell 2003). As formulated by Henri Lefebvre (1991, translated in Kofman and Lebas 1996:158), the right to the city is not just about material access to urban space, but "*a renewed right to urban life.*"

This double affirmation—of both access to the city and active participation of a range of groups in the production of the city as a lived reality—provides both a crucial counterpoint to assemblages of enclosure based around urban walling, and an affirmation of an ever-expanding urban commons constituted by multiplicity and

difference. But in making such an affirmation we would wish to avoid any division between a dynamic, global enclosure on the one hand, and a localised, territorial struggle for the commons on the other. As David Featherstone (2008) reminds us, struggles for the commons have not historically been exclusively confined to local places, but have involved a range of translocal spatialities that form solidarities across multiple sites. This positions the commons as an active project of assembling and generating translocal spaces and identities that respond to but exceed the exploitation of capital.

But we do not wish to romanticise such movements for the urban commons. They have their own walls. The urban movement Slum/Shack Dwellers International (SDI), for instance, espouses a particular ethos of entrepreneurialism, that is, of a skilled and capable poor that can work in partnership with rather than in opposition to the state. For all the movement's substantial progress and inclusive membership, this has nonetheless alienated a wide range of "slum" activists and organisations that might seek a different politics. The struggle for the commons has never been without its own politics of separation and division. On a different register, such movements often actively deploy walling as a means of protecting the commons, whether in relation to protecting neighbourhoods from demolition by assembling barriers of people as human shields, or by forming communes that explicitly reject the contemporary condition (eg Arputham 2008). The dialectic of commons and enclosure is never settled, and should not be resolved into a neat binary of closure versus openness. Neither does the struggle for the commons restrict itself to any particular scale, whether the local or otherwise. If SEZs and gated enclaves form a more obvious materialisation of enclosure, we are also interested in the assembling of enclosure and the commons at the level of the subject. The central means through which the social injustice of the splintered metropolis is lived is in the domain of *citizenship*. In the next section, we consider this and build towards a revivified understanding of citizenship.

## Enclosure's Subject

> Law has always been a privileged domain for recognising and establishing control over the common. The production of the common . . . tends to displace traditional divisions between individual and society, between subjective and objective, and between public and private (Hardt and Negri 2004:202).

The significance of debates concerning rights to the city raises for us important questions regarding the forms of political subjectivity enrolled within, and created through, materialisations of contemporary enclosure. As Hardt and Negri indicate, this project requires an examination of the deployment of legal tactics and regimes, whereby dissent may be criminalised or, on the other hand, forms of injustice legalised. The introduction of what Ong (2007:1) terms "market criteria on citizenship" under conditions of neoliberalism has seen law assume an ambiguous position, as both a mechanism of oppression and dispossession, while simultaneously offering spaces of redress and communal expression. Examining this ambiguity poses a particular challenge since the power of law is derived from its ability to appear as a universal abstraction "set apart from the messy realities of

local particularities" (Blomley 2008b:161). Within this optic, law is presented as a dispassionate arbiter that delivers judgment through reasoned and universally applicable mechanisms (Jeffrey 2011). It is this abstraction, Blomley points out, that renders law the West's most treasured instrument of civilisation while simultaneously providing the mechanism for colonial appropriation and violence.

In order to understand law's ambiguous position within the production of both enclosure and the commons, we need to explore the relationship between law and the practice of citizenship. The first step in this project requires detaching notions of citizenship from their historic connection with the nation-state. There is a wealth of literature that challenges Marshall's (1992) teleological view of citizenship as an evolving set of political, civic and social rights unfolding within the territory of the nation-state (Painter and Jeffrey 2009). As Ong (2007:6) argues, there has been a disarticulation and rearticulation of the elements that constitute citizenship—rights, entitlements, territoriality, a nation—through neoliberalism. Thus there are those mobile individuals who possess human capital and expertise who are able to "exercise citizenship like claims in diverse locations" (Ong 2007:7). However, there are those who do not possess such "tradable competence" who are consequently vulnerable to "exclusionary practices" (Ong 2007:7). This new landscape of disarticulated citizenship poses three questions: first, how do conventional understandings of citizenship persist despite the fragmentation of rights claims and affiliations that are orientated beyond (or within) the boundaries of particular states? Second, how are these forms of citizenship reconstituted through processes of enclosure? And, third, to what extent is a new form of insurgent citizenship commensurate with alterity and resistance?

The answer to the first question provides the groundwork for an answer to the second and third. The presentation of citizenship as a form of legal membership to a specific state relies on a particular configuration of power and knowledge that privileges the state as the primary locus of authority. This assumption reflects the wider territorial-trap in legal geographies. There is symmetry at work here: just as law is presented as an abstract universal, so citizenship appears as a technical condition of affiliation to a particular territorial and bureaucratic unit: the nation-state. But the act of bundling citizenship into the state is neither innocent nor incidental, since it recasts the practice of discerning insiders and outsiders as a product of the territorial arrangement of states, and therefore somehow beyond politics. This image of citizenship is coherent with the broader presentation of neoliberal governmentality as a technical, as opposed to political or ideological, practice. It is this imaginary that allows the presentation of citizenship tests or metrics of desirability as technical solutions to the "problem" of identifying who constitutes a legitimate citizen.

Countering these narratives, Engin Isin (2002) has produced a genealogy of citizenship that elevates the outsider, the stranger and the alien as formative figures in the production of notions of citizenship. This work moves away from an instrumental account of how citizenship rights are conferred, to pay attention instead to the governmental role of producing citizenship knowledge, arguing "dominant views on citizenship derive not from those who questioned and

attempted to overturn its values, but from those who were its benefactors and inheritors" (Isin 2002:276).

Therefore the power of conventional understandings of citizenship has been their ability to present an abstract and highly politicised idea (the constitution of "us" and "them") as a simple apparatus of state membership. In order to unsettle this view of citizenship scholars have examined the production of differentiated forms of citizenship under conditions of neoliberalism. This approach has involved developing alternative rubrics of citizenship that illustrate the qualitative differences between different claims to rights or solidarity. Miraftab and Wills (2007) provide a useful exploration of the power of labelling such new styles of citizenship. The authors examine the effects of the privatisation of water and electricity services on the urban poor in Cape Town, South Africa. Examining the practices of the Western Cape Anti-Eviction Campaign, they focus in particular on what they term "insurgent citizenship", political practices that seek to destabilise the unjust outcomes of the privatisation of utilities through direct action (re-connecting water and electricity), protests (in the streets and outside government buildings) and physically halting the eviction of residents (blocking the path of the police). They explain:

> As neoliberal practices privatise the city, its infrastructure, and its life spaces, and increasingly exclude urban citizens who are not deemed "good-paying customers", insurgent citizenship challenges the hypocrisy of neoliberalism: an ideology that claims to equalize through the promotion of formal political and civil rights yet, through its privatisation of life spaces, criminalises citizens on the basis of their consumption abilities (Miraftab and Wills 2007:202).

There are two observations that stem from Miraftab and Wills's work. The first, and perhaps most evidently, the processes of enclosure outlined through the privatisation of public services are themselves provoking new styles of citizenship participation and new claims to rights. Here we see a vivid articulation of the dialectic between enclosure and the commons, where these two phenomena are not separate parallel entities but entangled socio-political practices that are dynamic and unfolding.

The second—and interlinked—observation relates to the shifting locus of citizenship and law in the practices of insurgency outlined by Miraftab and Wills. It would be simplistic to argue that insurgent citizenship looks merely beyond the state as the primary locus of rights, embracing instead more cosmopolitan impulses of social justice and human rights. This would suggest a clean delineation between state-based and insurgent practices of citizenship. Rather, insurgent citizenship flexibly appropriates aspects of state citizenship while denying or resisting others. At the heart of this dynamic is the flexible and arbitrary nature of law within practices of enclosure (see Roy 2009). We are particularly drawn to the work of James Holston (2008) and his illustration of the differentiated legal processes within planning and construction in urban Brazil. For Holston the use of law requires grounding in specific social and spatial practices of exclusion, which involve the subversion of mainstream understandings of the universal and immutable character of law:

> Far from "having no law" or a law that "doesn't work," as one frequently hears from Brazilians and foreigners alike... elites have used the law brilliantly—particularly land

law—to sustain conflicts and illegalities in their favor, force disputes into extralegal resolution where other forms of power triumph, maintain their privilege and immunity, and deny most Brazilians access to basic social and economic resources (Holston 2008:19).

Holston, a key source for Miraftab and Wills, also evokes a language of "insurgency", drawing attention to practices of auto-construction of housing on the periphery of São Paulo. This account illustrates how citizens illicitly appropriated land and then subsequently attempted to formalise these appropriations through legal recognition, a process that Holston (2008:25) describes as "legalising the illegal". In certain cases the courts performed redress and granted legal ownership rights to the inhabitants of auto-constructed houses. However, in drawing attention to the opportunities posed for legal redress, Holston simultaneously examines the barriers posed by the institutions and practices of the Brazilian legal system. This work highlights law as a social process, rather than an abstract universal norm that functions in a mechanistic and egalitarian fashion. Holston's arresting account of the slow and crisis-ridden attempts by residents of the Jardim das Camelias district to establish legal recognition for houses they had formerly purchased from what was later declared to be an illegitimate vendor draws attention to the arbitrary way in which certain cases meet with success. The socialised nature of law is evident in both the different ways in which members of the Brazilian judiciary handled the cases and the influence of wider practices of protest (outside the space of the court room and frequently in the media) on the outcome of the cases. This account of legal struggle, coupled with that of Miraftab and Wills, allows us to draw out two aspects of enclosure's subject.

The first is that law represents a contradictory resource for forms of resistance to enclosure. While legal redress may challenge particular elite-driven neoliberalising strategies, legal settlements can lend legitimacy to the wider spatial practices under legal scrutiny. In Holston's case this led to the dispossession of residents of urban peripheries who had been duped into purchasing "illegal" land deeds, only to have these removed by the court decades later. Another example of the ambiguous nature of law and enclosure can be seen in the case of the construction of the Israeli Wall around the Palestinian West Bank. Weizman's (2007) work has provided an account of the legal challenges made to the route of the wall by Palestinian and Israeli civil rights groups to the Israeli High Court of Justice. Some of these claims have led to the rerouting of sections of the Wall, an outcome that may be used to demonstrate the possibilities for legal resistance to spatial enclosure. But Weizman makes the point, drawing on the legal scholar Aeyal Gross (2006), that in challenging specific elements of the Wall's route has served the purposed of providing moral and legal legitimacy to the wider regime of wall construction.

This argument points to a second aspect of enclosure's subject. While law stands as an ambiguous resource for challenging acts of enclosure, law also points to the blurring of insurgent and liberal conceptions of citizenship. We do not see practices of resistance moving in a unitary direction, just as we do not see legal redress as a purely emancipatory impulse. This understanding of the practice of law differs from the scholarship on legal pluralism that emerged in the 1980s (see de Sousa Santos

1987) in seeking to ground the politics of legal struggles in "the experience of real life" (Teubner 1992). The accounts by Holston (2008) and Miraftab and Wills (2007) point to the selective appropriation of different tactics and dispositions by those who have been dispossessed or marginalised through processes of enclosure. Often these operate outside of formal citizenship arenas at a range of geographical scales, for example through street protest, the establishment of global networks or through direct action. But simultaneously formal channels and practices are observed, in the court room, through lobbying politicians and through the influence of party politics.

It appears then that insurgent and formal practices do not stand as fixed and coexisting citizenships, but rather are labels and styles of politics that are appropriated selectively to seek redress or claim rights. This returns our discussion to the point made by Engin Isin in his genealogy of citizenship. Though we can see the fixed notion of insurgent and formal citizenship as an ontological fiction, it does not reduce this distinction's political force. As we have seen, the division between insurgent and formal citizenship is continually redrawn through the often violent appropriation of resources and the hollowing out of publically held goods and land. But this process of constituting the boundary between insurgent and formal citizenship is not simply the domain of political elites. The very struggle by citizens to establish legal recognition for their land claims demonstrates the ways in which citizens themselves are enrolled in policing the boundary between styles of citizenship, as particular struggles attempt to fix rights over land and resources. Ananya Roy (2009:85) develops this argument in her analysis of Holston's work, where she points out that "propertied citizens are quick to mark the distinction between their (newly) legal territory and the supposedly illegal territory of more recent squatters". This point suggests that just as enclosure provokes new forms of resistance the commons can provoke new styles of citizen-led enclosure.

These points identify the need to contextualise citizenship and law under the processes of enclosure to explore the strategies and logics that allow certain practices to be embraced as characterising a formal state-based citizenship while others are cast out as insurgent and operating in different spatial registers. The process of enclosure, then, forces us to look beyond citizenship as a juridical relationship (see Ong 2007), and explore instead the styles of politics and subjectivity that are produced through the extension of neoliberal ideologies into politics and government. In order to continue this story we need to identify how enclosure operates at the scale of the individual body, not as a pre-constituted political unit, but as living organisms. This requires an exploration of the relationship between enclosure and biopolitics.

## The Biopolitics of Enclosure

If the deepening entrenchment of new forms of enclosure speaks to capital's "contradictory being" (see Gidwani 2008a, 2008b), we also seek to draw further attention to the *scale*, nature and target of its materialities. As Vinay Gidwani (2008a:874) recently pointed out, the geographies written into capital's desire for accumulation are themselves multiple and fragmentary. Macrogeographies of demolition and dispossession also produced their own *microgeographies* of enclosure

and exclusion. We draw particular inspiration here from the Retort collective's portentous warning about a deepening process of "endless enclosure", both of geographical space but also inward, to the "genetic hinterland" of the human body (2005:193). By adopting such an expansive notion of enclosure, we wish to reflect on how very different modes and scales of power have themselves combined and carved out their own spaces of enclosure. More importantly, the biopolitical consequences of the neoliberal "counterrevolution" form, we argue, another crucial context for thinking through the dialectical coupling of enclosure and commons (see Cooper 2008; Negri 2008). If enclosure produces specific spatialities of inclusion and exclusion, these spatialities are also constituted by an *apparatus of biopolitical capture.* We do not mean, in this respect, to conceive of the relation between power and life as one that reduces the *bios* to a state of absolute powerlessness. As Antonio Negri (Casarino and Negri 2008:148) suggested, "biopolitics…turns into bio-Power [*biopotere*] intended as the institution of a dominion over life, and, on the other hand, turns into biopower [*biopotenza*] intended as the potentiality of constituent Power". Like Negri, we believe that the concept of biopolitics needs to confront and address the question of an *affirmative biopolitics*. To do so, we argue is to acknowledge an emergent common through which a more positive and radical recomposition of power and creative living labour may be articulated (see Negri 2008).[1] Therefore, we seek to examine the extent to which there is a structural relationship between capitalist accumulation, uneven development and biopolitical practice? What are the *consequential spatialities* of such practices and how have they been resisted?

In order to answer these framing questions we build on the recent work of the Italian philosopher Roberto Esposito. Esposito's diagnosis of our contemporary biopolitical moment builds directly on Foucault's observations on biopolitics and racism that were first developed in his 1975–1976 lecture course *Society Must be Defended* (2003). Where Agamben's rather different reading of Foucault offers a declension of the biopolitical that focuses on the sovereign state of exception that separates bare life (*zoē*) from political forms of living (*bios*), Esposito relocates the modern origins of biopolitics in the "immunising features of sovereignty, property and liberty" (Campbell 2008:viii). For Esposito, the conduct of modern politics is characterised by a "paradigm of immunisation" as it emerges in modernity and where "immunity" is defined in opposition to "community" (see also Esposito 2010). Esposito traces both terms back to their etymological roots showing that *immunitas* can be "revealed as the negative or lacking form of *communitas*" (2008:50). As Timothy Campbell has recently shown, Esposito focuses on three interrelated meanings of the term *communitas* and their association with the very term from which it originates: the Latin *munus*. The first two meanings—*onus* and *officium*— usually concern obligation and office while the third, *donum*, denotes a form of gift which requires even sanctions an exchange in return (Campbell 2008:x). The condition of *immunitas* refers, in contrast, to the means by which someone is freed from communal obligation or any previously contracted debt. Such a condition, Esposito argues, privileges the modern individual subject at the expense of common or communitarian modes of being-in-the-world. In Esposito's (2008:50) own words, "if *communitas* is that relation, which in binding its members to an obligation

of reciprocal donation, jeopardises individual identity, *immunitas* is the condition of dispensation from such an obligation and therefore the defence against the expropriating features of *communitas*."

We are, to be sure, glossing over a sophisticated set of philosophical arguments, but for the moment we wish to concentrate on what Esposito has in mind when he describes the "immunitarian self-preservation of life" as a central foundational issue for modern political theory and practice.[2] Esposito links the politicisation of life with the deployment of a new modality of power which as it takes hold of the biological foundation of the species, finds within life itself that which can threaten it. "The conception of sovereignty", writes Esposito (2008:57), "constitutes the most acute expression of such a power". Sovereignty takes place, he argues, in the paradoxical movement of separating or dividing life from itself to protect it. Such a paradox, we wish to suggest, is itself a *spacing* and is a form of enclosure where immunity functions to segregate life from that which threatens its perpetuation and its potency. Esposito (2008:141) himself talks of a "double enclosure of the body" which, in his view, increasingly assumes an "absolute identity between our body and ourselves" and which, in so doing, undercuts the distinction between "one's legal identity as a person and one's physical body" (Bull 2009:36). The main effect of this new relationship between law, violence and space was to only further intensify the coupling of the biological sphere with the practice of politics, one that found its most potent expression in the Nazi extermination camps.

Contemporary forms of neoliberalism have been assembled through a whole host of biopolitical practices. As Melinda Cooper has recently suggested, the political and social forms of neoliberalism must be seen in the context of "capital's moments of crisis, debt creation, and the periodic devaluation of human life" (2008:60). Welfare state biopolitics and its "developmental avatars" have been largely replaced by a new "planetary order" of primitive accumulation, material inequity and violent exclusion (Ferguson 2006; see Harvey 2003). But more than this, neoliberalism has also begun to reformulate the whole problematic of "immunity" in fundamentally new and novel ways. Where models of economic development have traditionally focused on attempts to normalise and standardise public health imperatives with nation-centred economic growth, the rise of neoliberalism has increasingly coincided with the dissolution of "boundaries between the spheres of production and reproduction, labour and life, the market and living tissues—the very boundaries that were constitutive of welfare state biopolitics and human rights discourse" (Cooper 2008:9).

And yet, if capital's desire to *capture* "living labour" as use-value for itself (Gidwani 2008b:xxiii) has led to the further effacement of the border between the "biological" and the "political", it has also prompted, we insist, a new series of spatialisations, "multiplying partitions and enclosures" that serve to police and *immunise* the body politic from alternative forms of shared sociality (Gregory 2004:17). We are witnessing the emergence, for example, of complex technologically mediated forms of enclosure that have increasingly come to permeate the everyday. Louise Amoore (2009) charts these developments in relation to the so-called "war on terror" and through what she calls "algorithmic war". Amoore (2009:50) describes algorithmic war as "neither a militarization of society, nor even a commercialization

of security . . . what we are seeing is a stitching together of the mundane and prosaic calculations of business, the security decisions authorized by the state, and the mobilized vigilance of a fearful public" (see also Connolly 2005).

If such micro-walling makes a mockery of boosterist discourses of globalisation and cosmopolitanism, it does so as a form of biopolitics. It is important, we believe, to build on such a view and put recent work on biopolitics into direct contact with political economy and postcolonial studies. Capital, as Vinay Gidwani points out, "enters postcolonial critiques as a constitutive force of Empire" (2008b:218). The "expansionist, uneven geography of capital accumulation" that underwrites contemporary versions of neoliberalism should not, however, be seen in the abstract but rather in all its contingent forms (Gidwani 2008b:218). Neoliberalism is itself the product of complex and overlapping historical geographies of crisis, dispossession, and violence. New assemblages of enclosure, if anything, deepen the relations between biopolitics and neoliberalism and are a central feature, we argue, of contemporary capitalism.

Take, for example, the new forms of *biocapital* (Rajan 2006) that have increasingly come to shape the global biomedical economy (see Cooper 2008; Petryna 2005). There are numerous examples from the growth of umbilical cord blood banking in India (Hodges 2008) to the unsanitary collection of blood and subsequent HIV epidemics among rural Chinese migrants (Anagnost 2006). Rajan's (2006:81) recent study of clinical testing in India draws, in particular, attention to the ways in which "neoliberal logics of capital are reconfiguring our understandings of value". Rajan (2006:80) describes biocapital as the "simultaneous systemic and emergent production of the life sciences, especially biomedicine, alongside the frameworks of capital and the market within which such technoscience increasingly operates." But more than this, biocapital is also constitutive of new modes of subjectification where it is bare life itself rather than labour (or labour power) that has become the new and primary locus of value.[3] After all, the Indian test subjects that form the basis on Rajan's (2006:82) study may be enrolled in the cause of health though, ultimately, they inhabit experimental subjectivities that are themselves removed from the "circuits of pastoral care and therapeutic consumption". In other words, their bodies are simply "risked" and exposed to the machinery and machinations of global pharmaceutical capital. If this ultimately depends on the harmonisation of global property regimes, the "immunising" benefits for the neoliberal consumer are themselves a crucial and necessary condition of possibility.

Of course, such modes of subjectification depend upon other forms of accumulation-by-dispossession (Harvey 2003). Macro-practices of urban enclosure often dovetailed with micro-practices of bio-political exploitation. In the words of Rajan (2006:85):

> There is no way to understand the dynamics of clinical experimentation in the mill districts of Mumbai without taking into account all these prior moments of violence that provide the inducement to sign an informed consent form. First the mill workers are removed from their factories. Then they are removed from their dwellings. Then they are removed from the streets. Only thus do they acquire the freedom to become autonomous trial "volunteers".

If global research in human subjects has increasingly come to re-articulate the operations of governance and economy (see Petryna 2005), the techniques and practices predicated on the regulation and preservation of life have also produced new "zones of social abandonment" (Biehl 2005).

We do not mean to suggest, however, that the capillary reach of the new biopolitical enclosures is itself all-encompassing or without opposition or resistance. The dialectic of enclosure and commons that we are working with here is not a formal one, but rather accords primacy to what Henri Lefebvre (2009 [1940]:92) once felicitously described as the "particularities of concrete existence". Such a dialectic is open ended and, as such, points, we believe, to a radical recasting of the common which takes the problem of "life itself" as a starting point for an oppositional biopolitics. Stephen Collier and Andrew Lakoff (2005) have focused on the "regimes of living" which bring together social formations as different as "ethical regulation in Canada, development and urbanism in Brazil, garrison-entrepôt in the Chad Basin, [and] organ trade in India". What they have in common, Collier and Lakoff (2005:22–23) argue, is the "dynamic process through which a situated form of moral reasoning—a regime of living—is invoked and reworked in a problematic situation to provide a possible guide to action". Life is not, in other words, given a priori but is itself produced through a whole host of discourses, programs, technologies, and practices (Fassin 2009:48).

If the conditions of life have, for many, been rendered "superfluous" by the violent predations of capitalist accumulation (Prasad 2009:3), we seek to spatialise a new vocabulary of resistance from the constituent *potentiality* of "common life" lauded by Negri (Negri in Casarino and Negri 2008:218) among others to the forms of "biological citizenship" examined by Petryna (2002). In each case, the very matter of living is conjoined to the practice of another [bio]politics. We do not, in this respect, seek to simply replace a Marxist reading of the potentiality of labour—by which we mean the creative capacity to produce use values—with an oppositional biopolitics. Rather we are interested in rethinking the relationship between the "creativity of common living" and "a phenomenology of revolutionary praxis" (Casarino and Negri 2008:218; Negri 1991:xxi).We draw particular inspiration here from Cesare Casarino's concept of a *surplus common* as the critical site for generating workable notions of alterity and resistance. While the concept of surplus is that which capital endlessly strives to subsume under surplus value, it also names, Casarino suggests, the very condition of possibility for the transformation of "antagonism" into "revolt". It is the potential "which always exceeds what capital can expropriate and control" (Hardt and Negri 2004:212). As Casarino (in Casarino and Negri 2009:23) makes clear:

> the qualitative difference between capital and the common consists in positing surplus in different ways, in engaging surplus to different ends. Surplus value is living surplus as separation (in the form of value par excellence, namely, money). Surplus common is living surplus as incorporation (in the form of the common, including and especially our bodies).

To the extent that Casarino (Casarino and Negri 2009b:245) counterposes the extraction of surplus value with the "ontological expansion" of "use value" as a

source of embodied political action, we also seek to shift some of the attention back to the grounded set of spatial practices which *necessarily* drive the dialectic of commoning—in all its diverse forms—from an understanding of the "present state of things" to the identification of other "possible words" (Marx and Engels quoted in Mann 2008:930, 931).

# Conclusion

As the current financial crisis and its fallout vividly demonstrates, a focus on enclosure and the commons is of critical political and theoretical importance today. The material, legal and biopolitical processes at stake in this current moment demand a response from geographers, and here a focus on the constitutive spatiality of these concerns remains as central as ever. If the idea of the commons is at play in these geographical formations, in this paper we have examined forms of politics that extend the very notion of the political itself to a variety of spatial registers, cutting across the city, the body, law and the state. In doing so, we have sought to re-think enclosure and commons not only as important vocabularies for conceptualising the inequalities inherent to contemporary capitalism, but to demonstrate the politico-intellectual utility of thinking both domains together. In closing, we wish to draw particular attention to four implications of the argument we have made here for critical geographical scholarship.

The first implication is the productivity of thinking enclosure and commons together. We insist here on the importance of dialectics for thinking geographically. "Dialectics", as Theodor Adorno noted in the recently published lecture courses on "Negative Dialectics", "represents the attempt to incorporate into philosophy whatever is heterogenous". This is not an exercise in conceptual enclosure—what Adorno felicitously described as an "ambition to enclose the infinite in a finite network of axioms"—but rather, we insist, its converse (Adorno 2008:57, 79). Second, and following this, we have sought to develop expansive readings of both enclosure and the commons. Through our argument we have sought to widen the political and theoretical significance of the enclosure–commons dialectic, departing from a purely economic rendering of this relationship towards a nuanced understanding of its materialities and subjectivities. In empirical terms, this has allowed us to illuminate the materialisation of urban enclosure–commons, and the forms of political subjectivity produced through and against processes of enclosure. In theoretical terms this has demanded rethinking enclosure through the work of Esposito and Casarino to illustrate the purchase in the concept of surplus common. This dovetails, we believe, with a recent resurgence of interest in the theorisations of the "common" and the "commonwealth" that have challenged both contemporary interpretations of community and the constitution of political subjects. To the extent the re-thinking of community has installed itself at the heart of international philosophical debates, it is the idea of the "common" or "commons" that has revitalised attempts to examine the nature of collective political projects.

Third, the paper has restated the significance of a geographical reading of enclosure–commons. We have avoided a scalar or networked reading of the spatialities of enclosure, preferring to think about the multiple different ways in

which enclosure shapes different geographies. In our description of assemblages of enclosure, we have described the ways in which particular forms of enclosure are spatially produced as social and material processes. These processes do not conform to any particular spatial template, but cut across and assemble a number of sites, whether through the body, the city or elsewhere. Equally, we have cast the spatialities of the commons as potentially open, that is, not as locally bounded or as abstract multitude, but as to varying extents stretched across and generative of space depending on their political objectives, from campaigns for "rights to the city" and "insurgent citizenship" to those around affirmative biopolitics. Fourth and finally, as an experiment in critique, we have sought in this paper to confront not just large processes, but the political import of not shying away from making "big statements". We are aware that this opens our account to other forms of critique: for instance, to questions about site and processes specificity, or empirical detail. These critiques would probably not be misplaced, and we would not claim here to have transcended social theory's long concern with the dangers of grand narratives to oversimplify or the implicit suggestion that a focus on "bigger" or "wider" processes necessarily provides more insight into inequality or political economic change that a focus on "smaller" more specific sites. Nonetheless, we have found that writing with this kind of ambition has opened our politico-intellectual imaginations in ways that have generated new questions and possibilities for theoretical and political intervention. It is been a different and welcome exercise in *dis*closing politics through modes of questioning and writing.

## Acknowledgements

## Endnotes

[1] We are, in this respect, deliberately writing against the grain of Negri's own attempt to go beyond dialectical thought. For Negri, the "real task is to succeed in constructing a mode of thought that would at one and the same time refuse the dialectic as well as solve the problem of the passage from the simple to the complex, from singularity to multitude" (Casarino and Negri 2008:177–178). The very *constitution* of the common is, so Negri argues, central to this "passage" and has increasingly formed a key dimension of his work (see Negri 2008, 2010).

[2] We are also mindful of Antonio Negri's trenchant critique of Esposito and the "total refusal of subjectivation" that Negri locates at the heart of Esposito's project (Casarino and Negri 2008:87). It is not our intention here to hypostatise Esposito's "immunitarian paradigm" but rather to reflect on the way in which Esposito's work offers a productive recasting of neoliberalism as a problem of "immunity". Where there is impasse within Esposito's regarding the question of resistance and subjectivity, we turn to the work of Negri as a means of attending to the composition of a non-immunised political subject who is marked by a constituent potentiality.

[3] We are borrowing here from Negri's understanding of "bare life" as the figure through which "imperial capitalism returns to its origins". It represents, Negri argues, "man, or rather, presents bodies...on the brink of an unspeakable risk and destitution" (Negri in Casarino and Negri 2008:210). For Negri, this is a violent mode of *enclosure* and subjectification that reduces life to mere objecthood and whose consequential logic is central to the workings of global capital.

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