

PERHAPS IT'S TIME TO ASK SOME "RIDICULOUS" QUESTIONS.

Can we imagine a world in which market activity is kept within certain boundaries and is restrained from disrupting ecosystems? Are we fated to live with a marauding market order that routinely violates basic ethical norms, people's health and safety, and our democratic traditions – until a crisis makes some response unavoidable?

I have a fantasy that a new language can help us answer these questions. With this new language, we can critique the market ethos and put forward a new vision.

We are suffering from a blind spot in our consciousness that resembles the one Americans faced in the 1950s and 1960s. Back then, when industrial air

and water pollution started to become a serious problem, the idea of "the environment" literally didn't exist. It had to be culturally invented.

As Duke law professor James Boyle has pointed out, no one quite realized that bird hunters and bird watchers might actually share the same interests until the language of "the environment" helped articulate the common ground. As long as the air, water, and soil were merely the background of daily life, it was hard for the citizenry to understand what was threatened – and what should be done about it. "The environment" helped showcase the natural world and created an overarching narrative that helped make sense of things. In so doing, the new language fueled a political and cultural movement.

We are experiencing a similar cultural challenge today. But this time, we need to showcase the many realms of life being threatened by market imperialism.

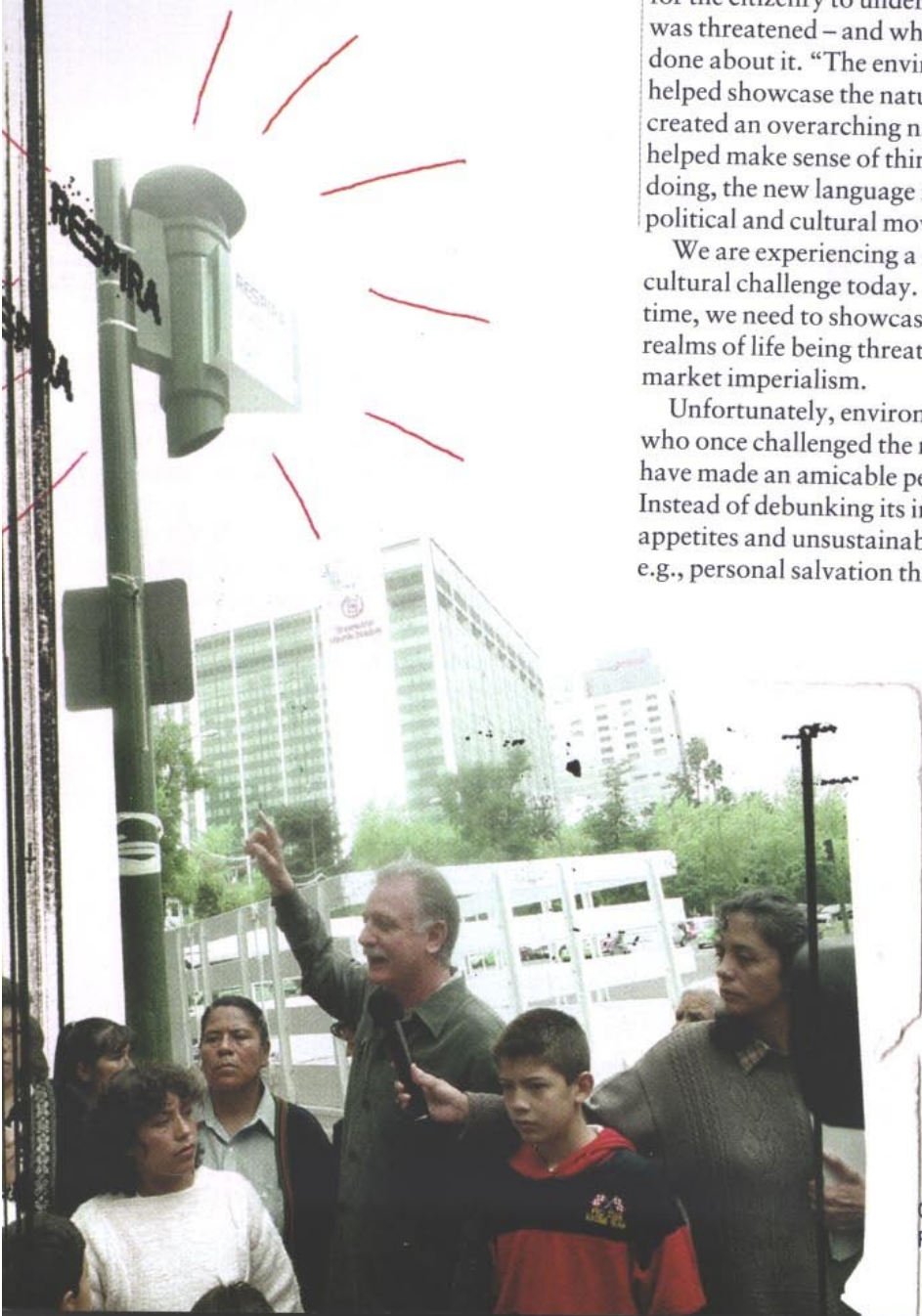
Unfortunately, environmentalists who once challenged the market system have made an amicable peace with it. Instead of debunking its insatiable appetites and unsustainable fantasies – e.g., personal salvation through

consumption, stronger property rights as a way to save nature – mainstream environmentalists eagerly embrace "market solutions" and piecemeal policies that ignore the larger issues. Because market environmentalists do not question some basic assumptions about the legitimate reach of markets, they have trouble confronting the "propertization" of nature. They have no principled or philosophical objections to allowing markets to colonize whatever resources the investor class can capture.

Markets cannot expand indefinitely, of course. But we really don't have a coherent philosophy for explaining why certain realms of life should not be available for commodification and sale. This enables the corporate world to continue its obsessive propertization of, well, *everything*. Already a philistine vanguard of entrepreneurs is scrambling to "own" actual life forms and segments of the human genome. Firms are patenting common plants and crops in developing nations, and converting water supplies into commodities to be sold on global markets.

As a first priority, we need to be able to name and understand those realms of life that should not be governed by market norms. Currently, we have no language to describe and differentiate the non-market universe of nature, arts and culture, public schools and libraries, our democratic institutions, and personal consciousness. These are typically regarded as feedstock and facilitators for the market machine.

This is where a new language – a language of "the commons" – comes in. It can help to define a new vision and a different vector of value than that described by property law and the market. And it can work on many levels – rhetorical, political, scholarly – without its basic priorities being readily coopted.



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