

The Politics of the Commons: from Theory to Struggle

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December 2018, İstanbul
Kocatepe Mah, Receppaşa Cad. No: 9 D: 10
İmren Apt. Beyoğlu/ İstanbul
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Academic Editor: Özdeş Özbay
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Design: Emin Şakir
Translations and preparation arranged by Carol Williams
Print: Netcopy Center
Cover Photo: Indignats / Indignados / Indignés by Julien Lagarde
ISBN: 978-605-67704-2-5

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Ecological Commons and Enclosure Policies in Turkey

Aykut Çoban

The term commons has recently been transformed into something similar to that of the parable of the blind man and the elephant, which has given the concept its widespread popularity. And yet, it is impossible to conduct a scientific discussion with a 'concept' to which everyone can attach a different meaning. Moreover, Ostrom, who begins from the same concept, distinguishes her perspective from Hardin, and Marxists distinguish theirs from both. Nevertheless, even in texts that tend to emphasize such theoretical distinctions, the commons is at times reduced to a simple understanding of 'free resources for all'. Of course, it goes without saying that everyone could have a different understanding of the commons. But still there is no need to get lost in theoretical distinctions and slight academic variations if, at the end of the day, we are to come back to Hardin's description of the commons.

Commons and enclosures could be regarded as twin concepts; that is to say, the way we conceptualize the commons determines the way we understand enclosures. The very idea of enclosure is all about taking the commons away from working communities. In situations where there is commoning, the act of expropriation, which is usually performed by capital and often with the help of the state, is called enclosure. In addition, I would specifically like to use the term 'the effect of enclosure' for situations in which there is no commons but resources freely accessed by the general public. In this case the expropriation of ecological resources by capital destroys both the possibility and the potential for communities to transform them into commons.

Hereby, this article will first focus on the conceptions and theories of commons. Then the concepts of commons, enclosure, and the effect of enclosure will be clarified. The discussion mainly focuses on ecological commons in accordance with the subject of the paper. Following that, regulations and implementations pertaining to various enclosures and their effects in Turkey will be examined. Examples covered include pastures, summer pastures, forests, waters, and coasts.

The concept of commons*

Generally speaking, when we use the term commons, the first examples that spring to mind are the land, forests, summer and winter pastures, highlands, air, streams, seas, coasts, pavements, children's playgrounds, and urban parks. However, some new examples such as the atmosphere, space, ocean floor, internet, languages, and information have recently been added to the somewhat long list. According to some, the commons, in its broadest sense, is all that everyone shares and that belongs to everyone at the same time.

Yet, for others, commons should be considered as "a form of co-activity, rather than seeking to develop a mode of property right such as co-ownership, joint-property or collective ownership." As they note, "it is necessary to affirm that it is *only* the activity in practice which can make things common. Likewise, it is *only* this activity which can produce a new collective subject, who is very different from the subject who could exist before this activity, the [individual] subject seen as [just] a bearer of rights" (Dardot and Laval, 2018: 27-28).

In its broadest sense, a common is reduced to its natural essence because of its natural characteristic as a physical source, space, and entity to be open to everyone's use. On the other hand, in the narrowest sense a common is reduced to social relations if one considers every commoning practice as a condition of a common.

An understanding of commons that is reduced to such a degree is to claim that a common can only be realized when an activity creates a collective subject and one that does not contain any natural essentialism. In terms of politics, it leads to nothing but a dead-end: when such an understanding is reached, no one, including ordinary people, will be able to put forward any political opposition against attempts in which capital and the state decide to expropriate open spaces, thus close them to public access, because they will assume liability for the protection and maintenance of the commons after the contributors of the same event have formed the collective subject. In cases where there is no collective subject but still various social activities and actions waged to protect pastures, forests, and coastal areas, the legitimacy of these political demands of sensitive people will also be disputable.

* In this section, the author discusses how the word 'commons' should be translated into Turkish. Since this discussion has lost its meaning in English, two paragraphs at the beginning of this chapter have been omitted.

Whether it is weak or strong, there must be some sort of a commoning activity in place for any common. And yet, when only a specific sort of commoning is the condition of a common, then due to a narrow definition, the politics of commons will be confined to the field of brilliant but rare commoning practices. In particular, how commoning or cooperation is understood determines the political equation here. Is commoning a notion that entails the traditional rules and sanctions adopted by the forest village when using the forest, or a fishing activity with a governance model, or is it a collective production and distribution process that does not necessarily have to produce a commodity? Let's leave this discussion aside for now. Let's just say: If the conception of commoning - when the act of commoning is a prerogative of a common by nature - derives from a maximalist notion that obliges all of such qualifications to be present simultaneously, then the politics of the commons umbrella becomes too limited.

A common is undoubtedly a co-activity of some sort, but this does not necessarily mean lining up to dance the halay or having a football match either. A common refers to the social interaction of the community with a physical entity. A relationship can be established with a forest ecosystem, a fishing area, agricultural land, or an urban park as a settlement. When this physical entity is not taken into account, the subject of the interaction between people disappears. Therefore, what we are left with would be an ordinary sort of community activity without the existence of a common. On the other hand, a group of trees that people do not have to use or assume any liability for is still a grove, but not a common. Similarly, an ocean floor is by definition an ocean floor (contra Ostrom). In other words, an ecological common consists of both the presence of a natural resource that is independent of human activity and a social activity that is independent of this very natural resource. That is to say, its natural and social components are inseparable.

Nature, which is subject to commoning, cannot only be something that people create through social interactions, and that they assume responsibility for afterwards either. It is a continuum of other species as well, that is living or non-living things besides human beings. From this point of view, it is true to say that a common is not merely an area of human relations or human-centred activities. For instance, the enclosure of a common may not only limit or completely destroy the activities of the human community but also those of other creatures with which human beings may also interact as well. In this regard, a common can be defined as a socio-natural relationship.

The subject of this article is natural commons. And yet, the term natural commons may give you the wrong impression that there are no social relations involved in it whatsoever. However, there are various ecological interactions observed in natural commons. Not only does it refer to the classical definition of an ecosystem that covers the interactions of organisms with the environment, but also it incorporates the interactions of people forming the commons within those relations and local ecological conditions. That's why, instead of categorizing them as natural commons, referring to them as *ecological commons* would be much more appropriate.

Theoretical differences

In the process of a common, the social interaction with a physical entity may occur in different forms. In other words, the common that entails an activity to which people are associated and the understanding of that common may differ. Theoretical approaches, which also point to this diversification, can be divided into two distinct groups: approaches that home in on the resource and those that focus on the social interaction. Garrett Hardin can be given as an example for resource-oriented approaches. One branch of the social interaction perspective emphasizes the involvement of the community, such as Elinor Ostrom, while the other attaches more importance to the commoning practice.

In Hardin's conception, commons refers to the very idea that people are free to use open resources for their own benefit. While the number of people using them (population) increases on a regular basis, the resources that they depend on gradually diminish for they are limited, i.e. finite. Everyone will also increase the amount of resources they consume in time as people are typically interested in their own gain. Therefore, due to excessive use, commons such as grasslands, fishing areas, and national parks will not be of any use to anyone after a while because of the fact that excessive use will eliminate the carrying capacity of the resource. As Hardin points out in his *The Tragedy of the Commons*, the resource ends up being destroyed. This tragedy seems to be rather inevitable as the population (i.e. poor people's access to resources) will continuously increase. What leads to this tragedy of the commons is that they are equipped with absolute freedom in terms of the use of resources. According to Hardin, one of the solutions is to limit the use of open resources via restrictive regulations through state ownership. But, as a believer in the 'free market', Hardin's actual proposal is to convert the commons into private property. That is to say, the commons should not be open to the general public, but only to the property owner. This clearly creates injustice. And yet, he would prefer social injustice to tragedy whereby the resources are destined to ultimate destruction (Hardin, 1968; 1998).

It seems that the only way to overcome the annihilation of resources is through the destruction of the commons with the help of enclosures! Thus it is no longer a common, but an enclosed property -nothing other than a natural entity that only the proprietor has access to.

The effect of people in Hardin's commons has much in common with the interactions that the followers of Adam Smith had with natural resources, trying to maximize their own interests under conditions of capitalist competition. In this type of commons, there is no feeling of social responsibility towards the resource. However, this assumption is not always valid. In most cases from past to present, the rules based on the use of village pastures, fountains, and threshing floors have always been determined by the village community. The very existence of these rules squarely shows that Hardin's principle, which is based on the idea that the use of resources with absolute freedom and with no supervision or responsibility leads to the ultimate tragedy of the resources, is not

actually a valid one.

Moreover, the social control element is engraved in the historical roots of the word. According to English etymology, the word 'commons' comes from 'communis'. Its root, 'com' means 'together, common' and 'munis' means 'under the obligation of.' Thus, looking at its etymology, it can be said that the word 'commons' means 'subject to common obligation'.

Indeed, taking the community's obligation into account, Ostrom (1990) refutes Hardin's view of the tragedy. According to Ostrom, the examples of commons that are subject to set rules and imposed obligations have always been historically long-lived. Therefore, she does not accept the dilemma of privatization or Leviathan (state) intervention as a remedy for the tragedy. What lies at the heart of the third option is the community's collective, participatory resource management, which actually seems to be the ideal alternative for her. Just like Hardin, Ostrom is also interested in common pool resources, and yet she does not sacrifice social interaction with resources in order to prevent their ultimate destruction. On the contrary, she explores the framework for the sake of community so that they can establish certain social interactions with the resource, obeying the rules of fair use and thus protecting it at the same time. As a joint management activity, a common is a system in which the users of the resource create their own order, acknowledge their responsibilities, and fulfil their obligations so as to use, maintain, and sustain the resource in question.

However, Ostrom's suggestion of a third way between the market and the state has, in turn, led a number of authors to the concept of a society of the commons. They argue that this new society is ideologically different from capitalism and socialism (e.g., Walljasper, 2015, Rowe, 2015). Here the commons is considered as an activity different from market relations. However, in a capitalist society, where the commons exist, demands such as the abandonment of labor exploitation, private property, and market instruments are not expressed in this view. It opposes the idea of the privatization of shared resources in common spaces, not private ownership itself. On the other hand, there is no enmity toward state regulation, unlike for liberals. The state's arrangements to support the commons are defended. Such an approach strives to expand the practice of commons while maintaining the existence of capitalism. Interestingly, such views find the politics of commons compatible with capitalism but not socialism. It is stated that socialism in the Soviet Union is archaic, centralist, and hierarchical, and that local diversity is often ignored (e.g., Bollier, 2015). It is as if capitalism offers an order of decentralism, heterarchy, and is full of local diversity. Nonetheless, it is rigorously emphasized that the commons movement is not yet an attempt to update socialism.

We should also address theories that differ from the concept of commons as a social democratic alternative to the state and market, as does Ostrom's. This new perspective is shaped by the anti-capitalist position expressed by its defenders. Although it is rare, there are also those who make positive connections between commons and communism (e.g. Hardt, 2017: 158). The emphasis on commoning and the opposition to commodity production are the two fundamental elements that stand out in these approaches.

In an anticapitalist approach, the commons are a new mode of production, autonomous from the state and the market. It is a new sense of community based on the principles of social cooperation, equal access, and co-sharing. It is a social ground on which the community provides self-governance of production activities, and at the same time is able to oppose the enforcement of enclosure (Caffentzis and Federici, 2017: 133, 140).

Non-commodity social production systems are organized in commoning practices, which avoids production with a commodity value, market logic, and pursuit of commercial purposes. Provided that the principles we see above are applied, in Ostrom's model a fishing area is considered as a common. And yet the fish that fishermen catch in accordance with the rules is not a common. The beneficiaries of the source have the right to decide about the fish they catch. However, in terms of commoning, products from the source as well as physical resources are also a matter of sharing. In addition to the fishing area, decisions about the distribution and circulation of fish caught should also be jointly made (De Angelis and Harvie, 2017: 118).

In this context, commons are created through commoning practices. Producers share resources, production tools, production, products they acquire, their distribution and circulation, and decision-making in a democratic and horizontal organization. It is this understanding that puts the commons in the position of conflict between capital order and commoning, ensuring the struggle between the common and capital other than its own. Commoning practices allow social forces in search for an alternative to capital, to emerge and flourish (Caffentzis and Federici, 2017: 143; De Angelis and Harvie, 2017: 105, 124-126). It is fair to say that such a commons approach can only be reached through commonism ideals.

From primitive accumulation to enclosures today

Examining the historical development of capitalism, Marx (1976: 873-930) refers to the concept of primitive accumulation, which is meaningful in two aspects: the second one concentrates on the fact that the peasant turns into a laborer while the first aspect, which renders the second one possible, ensures that the means of production are taken away from agricultural producers. Agricultural lands, forests, and fishing shores that peasants cultivate were seized by the aristocracy and the bourgeoisie. The rural population, who used to work on land of their own, that of the landlord, that of the state, or on public spaces with open access, became wage laborers when deprived of means of subsistence. The villagers' access to the land was transferred to private ownership by methods such as the use of force, extortion, unmanning, selling state-owned areas, and implementing special laws. As we move onto such examples in Turkey below, we will see that these methods are still in use today.

As mentioned earlier, the converting of the land where the farmer used to live into the private property of capital is called enclosure. This process does not only result in the collection of the peasants' means of subsistence and production into the hands of capital. It also leads to the farmer's alienation from nature with which he used to make a

connection through his daily labor. Subsistence production under feudal exploitation is replaced by capitalist commodity production based on the exploitation of wage labor in the countryside and the city. While enclosed nature becomes an element of capital accumulation, peasant community is detached from holistic relations with nature. Peasants, who previously baked their own bread and made their own thread using the means they had obtained from nature, become laborers in the countryside or city, consuming food and clothing in the meta form. When this is the case, we can no longer talk of the existence of nature, from which the community benefits, due to the enclosure process, or the existence of a traditional community, due to laboring activities, and hence the nonexistence of the commons as the interaction that community has with that nature.

Therefore, enclosure should not be considered separately from the commons since the enclosed is nothing other than the commons itself. As a result of the process of enclosure, the community is cut off from its commoning activities within the physical environment. Hardin's proposition on private ownership of the commons is an attempt to prevent the non-capitalist sections of society from commoning practices. In this respect, this is a call for enclosure. When the commons is understood as a new mode of production based on self-governance and community-control, the policy of enclosure is politico-economic regulations that put an end to the commons. A similar case appears when the commons is merely assumed as Ostrom's model of governance. Whether or not it is possible to consider 16th-19th century England, which Marx examined, as an example of enclosure depends on our understanding of the commons. We would not call the spaces that the Enclosure of the Commons Laws have transferred to capital as commons if a 'certain' type of commoning is claimed to be the condition of the commons. The process of primitive accumulation, as coined by Marx, is not just a thing of the past or a page in the history of capitalism; it still continues today in its updated version (Perelman, 2000: 34; Glassman, 2017: 90; De Angelis and Harvie, 2017: 106). Therefore, we are obliged to consider the concept of commons and thus enclosure from a much wider perspective.

However, there should also be some limits to conceptual flexibility. Whether conducted in a weak or strong fashion, the critical aspect of commoning is the existence of social responsibilities that emerge from the principles of solidarity, reciprocity, and cooperation, and from the traditional or modern obligations to protect the physical environment associated with the commons and their beneficiaries. Let's say capital has decided to build a quarry on a pasture. It is possible to observe these obligations and responsibilities clearly in defensive struggles against such an attack that enclosure displays.

The limits to the use of resources should be in line with the production limits required for subsistence. This is important because utilizing public resources for the production of commodities creates an enclosure effect. In a way, the difference between subsistence and commodity production is the difference between appropriation and expropriation, as Marx puts it. Based on this distinction, the ones produced from nature by means of labor in order to meet needs are to be appropriated. In contrast, expropriation is

appropriation without reciprocity or equivalence, which is in a way called theft. The metabolic relationship between humans and nature includes equivalence. The interaction between the feudal landlord and the land, and the exploitation of labor by the capitalist have no equivalence. That is why it is called expropriation (Foster and Clark, 2018). In addition, subsistence is compatible with social obligations so as to avoid damages to the resource, for damage to the source is the loss of the means of subsistence on which the beneficiaries are dependent. It should be noted that it is acceptable for the excess surplus product to be subject to exchange between individuals. And yet this is something totally different from commodity production and circulation. The production of commodities is based on creating value for the market. Solidarity is replaced by individualism, whilst cooperation is replaced by competition. In such a case, commodities as fetishized objects, which transcend the individual, are subject to exchange.

Thus, questions, such as “For what purpose will the common resource be used?”, “To whom will it be of benefit?”, “Whose interests will be protected whilst using the resource?” or “Who will use it?” (Helfrich, 2009: 3) emerge as conceptual boundary stones of the commons. With regard to the commons, the social interaction of people with physical resources cannot simply be based on the logic of commodity production.

The role of property

A few concepts within Roman law can be mentioned about the legal status of environmental assets. *Res privatae* stands for family, personal relations, and private property whereas *res publicae* refers to public spaces, such as public service buildings and squares, other than natural resources. The most fundamental concepts in terms of ecological commons are the following two: *res communes* and *res nullius* (Ricoverti, 2013: 37). Both of the terms refer to what nature gives, and assert that no private property can be established over those natural entities. However, there is a significant difference between them. *Res communes* are those that people cannot establish as private property, and that do not belong to the state, or cannot by nature belong to anyone and belong to everyone at the same time, and that do not lose any value when they are used as in the case of air, rivers, seas, and coasts. *Res nullies* are unclaimed things like wild animals and untreated patches of land. Despite the fact that they had not yet been established as private property, they were still regarded as natural entities that could one day be appropriated (Dardot and Laval, 2108: 16). For example, the man who catches a deer, makes it his own. On the other hand, even though the sea, as *res communes*, does not belong to anybody, the fish caught is owned by the fisherman as if fish are *res nullies*.

Although it may seem easier to establish a connection between *res communes* and common, the common can also appear without depending on any form of ownership. Unclaimed lands may easily be converted to the commons. As we can see in the example of Gezi Park in Istanbul, a public sphere can be associated with the commons through political and social activities. Or, as a private property, the farm can be transformed into an agricultural common within the community of which the owner is a member.

The community itself can acquire a private property that can then be transformed into a common. With the consent of the landlord, villagers can also turn his land into a common. Therefore, contrary to what Hardin argues, the existence of private or public ownership of an asset, which is the subject of social activity, is not a categorical obstacle to do the commoning and use it commonly.

However, nowadays examples of converting a private property into a common in contravention of the consent of the owner are very few. We do not come across many examples of occupying a private forest or an olive grove on a private land in order to commence commoning practices. In this respect, Hardin's privatization/enclosure proposal is highly functional in itself since a property is a social interaction secured by the state rather than just a social relation between people and things. The commoning could be very challenging on private property protected by hefty methods of the state such as courts and prisons, functional in accordance with the property owner's request.

In view of these considerations, a notion suggesting that the commons are entirely independent of the ownership structure would be misleading. A commoning relation with a natural entity emerges in the economic, political, and legal structures of the current mode of production. Firstly, the claim that capitalism, in which private property is preserved as a divine order, is suitable for the spread of the commons is highly questionable in this respect. Secondly, the capitalist state can change the allocation decision of a place reserved as a public good into a private property. Thirdly, the production of commodities by the commons would only result in reproducing market relations in spaces considered to be a public good under capitalism. Lastly, as it is possible in commons practices to enclose public spaces to exclude the public outside the community of the commons, this sort of enclosure also damages the idea of the commons.

Some examples of enclosure policies in Turkey

The discussions conducted so far have shown that what is understood as the commons reveals what is actually enclosed. I have dealt with the concept of the commons in order to determine the object of my research with regard to enclosure policies in Turkey. Nevertheless, as should be clear from the above description, the commons is quite an ambiguous, multifaceted, and expanded concept. That being the case, it is theoretically quite difficult to analyze current policies implemented in Turkey in line with the existing commons/enclosure literature.

In order to overcome this challenge, I have tried to address ecological commons from a rather minimalist perspective based on the interaction of community with natural entities, an interaction circumscribed by obligations. These obligations include taking joint decisions when necessary, conducting shared activities, and defending the commons against possible threats, all of which are also considered as commoning practices. Such an interaction, as may be expected, can usually be established on a local scale. In the case of production, we can speak of a wide range of processes within the

commons such as subsistence production, which is largely for the needs of the individual, or the commoning of production processes as well as the means of production and the product. As we have seen before, the reciprocal relationship within community and between the community and nature dissolves due to the shift towards commodity production, whereby the obligations toward the physical environment and the community - and therefore toward the commons - also starts to fade away.

Enclosure is the seizure of the commons for the benefit of capital and private interests, against common sharing. In addition, the state and capital are able to close public areas to access at any time. This in turn eliminates the possibility and potential of transforming these accessible spaces into the commons. In this respect, this situation leads to an enclosure effect. Thus, we have enclosure in the case of the commons and an enclosure effect in the case of publicly accessible places. The fact that I am dealing with commons and enclosures in this way does not relieve the ambiguity in the relevant literature; on the contrary, it could worsen the ambiguity problem. Nevertheless, in my opinion, such a theoretical framework will serve as the academic focus for research on enclosure policies.

Now, let's continue where we left off. What is the legal basis for Turkey's ecological commons? In the context of ecological commons, the legislations refer to it as "places under the authority and at the disposal of the State". These include unclaimed spaces and public goods (the Civil Code, art.715; the Cadastral Law, art.16; the Pasture Act, art.4; the Village Law, additional art.12). State forests (the Cadastral Law, art.16/d) and coasts and mines that are considered among unclaimed property, are also referred to as places under the authority and at the disposal of the State (Söyler, 2011: 60). Indeed, the Constitution clearly states that the coasts, natural wealth, and resources shall be *under the authority and at the disposal of the State* (the Constitution, art.43 and 168).

Unclaimed territories are places that are open to everyone's enjoyment without the need for a specific allocation. These include the rocks, hills, mountains, and glacier-like places that are not suitable for agricultural purposes, as well as resources extracted from these places, such as waters, seas, lakes, rivers (the Civil Code, the Cadastral Law), coasts (the Coastal Law), and lastly natural wealth and resources (the Mining Law). Unclaimed territories are not registered in the Land Registry. No private property can be established on them (the Civil Code, art.715). As you can see, the resources that are under the authority and at the disposal of the State are a mixture of *res communes* and *res nullies* of the Roman law, and yet are separated from the latter by the principle that no property can be established on them.

Common goods are places that are open to a section of the public or for everyone's common use such as the pastures, highlands, winter and summer pastures, threshing floors, funfairs, bridges, and squares. The difference between common goods and unclaimed territories such as mountains and hills is that common goods are allocated for the benefit of the public. Allocation is made either by the state or by the people that have benefited from the land since time immemorial. Therefore that patch of land is considered to be allocated according to customs and traditions. Although the focus

hereby is on public spaces that are largely publicly-owned, such as squares that everyone can benefit from, it is not the case for common goods such as highlands, and summer and winter pastures that can be mainly of benefit to only villagers or municipal inhabitants.

In Turkey, less than one-thousandth of the places that are considered to be forest land is located on private property; and the rest are state-owned forests. State forests shall be under the care and supervision of the State. The ownership of state forests shall not be transferred (the Constitution art.169). So the ownership of the forests, as set by law, cannot be transferred to private property through methods such as sales or clearance and so on. Treasury lands are private properties of the state and thus can be sold.

As emphasized above, it is burdensome to establish commons in spaces that are regarded as private property. It is relatively more apparent in areas that are under the care and supervision of the State. But then in this case, the 'economic value' of a natural entity determines the degree of state supervision, which is an obstacle to the commons. Governments are not keen to let the poor keep a valuable asset in their hands as they would rather want it to be a resource for capital accumulation and 'development'. Since it is also difficult for people to develop resistance in areas where the commons are found to be quite weak, enclosure under the state's supervision and control can easily be achieved.

The enclosure of pastures and highlands

In Turkey, pastures are historically the most appropriate examples of ecological commons. Highlands and summer and winter pastures have long been used by village communities for livestock activities. Both sociologically and according to legislation, this utilization itself is sufficient to leave them as they are. In addition, after conducting a thorough investigation of requirements, these summer and winter pastures can be allocated to the common use of villagers, several communities, or municipalities. However, the right to use is not an unlimited one. In the Pasture Law, grazing capacity and grazing rights are clearly regulated. The term grazing capacity refers to "the volume of cattle units that can be grazed without disturbing the vegetation, soil, water, and other natural resources in a certain area and at equal time intervals for many years". In the allocation decision a grazing right is determined by the number of cattle that can graze in accordance with grazing capacity. In order to prevent overgrazing, a number of animals higher than the number already determined may not be let into the area. These rules in the Pasture Law also apply to pastures and meadows that the public in general benefit from.

Commoners have certain obligations. For example, a peasant cannot exceed the number of animals or grazing time; nor are they allowed to plough the area or cultivate it. What's more, except as stipulated by the Village Law, the construction of houses and barns is also strictly forbidden. Otherwise, punitive sanctions will be imposed. If a person uses his or her pasture for something other than animal husbandry, the expenses

incurred to remedy the damage and reinstate the pasture shall be covered by the person in question. In line with the economic conditions of the area, grazing capacity and grazing time (previously free of charge), commoners are obliged to pay a fee determined in return for the use. This income collected is only spent for the development of pastures. In addition, beneficiary farmers may be asked to contribute to the maintenance and improvement of summer and winter pastures in terms of expenses or labor.

This utilization is regarded as a crucial activity for making a living; so much so that if the product exceeds the needs of the farmer's family, then it can be sold only after the decision of the Pastures Administration Units established in villages and municipalities. The income provided is not left to the peasant who makes the production; it is used only for the development of pastures in the village or municipality.

However, a number of regulations and implementations that allow the production of commodities result in the enclosure of the pastures. According to the law, pastures can be hired by livestock companies. Moreover, a statutory clause, added to the law in 2013, allows the establishment of livestock facilities in the leased area. In such practices, we also see the rightful reaction of peasants from time to time. Within the boundaries of Ahmetbey Municipality in Lüleburgaz, the renting of the pastures, which are regarded as the commons of the villagers, to some companies was protested in a march with the slogan "Pastures belong to the public and thus cannot be sold". 69 companies got in line in order to rent the pastures that barely met the needs of the villagers, for a period of 25 years (*Evrensel*, 3 November 2014). Such ongoing practices in Turkey are similar to those in the US where herd owners actually usurp and hence enclosing the pasture. The only difference is that those in Turkey comply with the law.

A significant portion of the pastures has been subject to a series of alterations and amendments made during the AKP rule that has been in power since 2002. The allocation objectives of the pastures have been adjusted to enable potential investments, that is to say, they have lost their status as highlands, summer and winter pastures so as to be enclosed. A wide range of economic activities may now be carried out in these areas that used to be previously reserved as highlands, summer and winter pastures: all kinds of mining activities such as oil and stone quarries, tourism investments, oil and gas pipelines, settlements within the scope of disaster areas, greenhouses that use geothermal energy, technology development and organized industrial zones, free zones and electronic communication infrastructures to name a few. Similarly, these highlands, summer and winter pastures in question can also be declared as gentrification and urban transformation project sites by the President. What this means is that construction companies are allowed to build a series of private property houses whereas a villager cannot even erect a single barn according to the law. Legal persons, organizations, or companies that will make all these investments demand change to the status of these highlands and summer and winter pastures. Following the allocation decision in response to demand, the company pays an amount of only 20 years of 'grass income' to the state in return. If a new industrial estate or organized industrial sites are planned to be established within that region, companies do not even need to pay that amount either. All these profitable investments for companies suggest the fact that the legislator,

in effect, is not so interested in environmental or social issues, such as the destruction of nature and the livelihood of the villagers, or the disappearance of animal husbandry and the commons.

The AKP's amendments to the regulations are not limited to this. The allocation decisions have also been changed in favour of the Canal Istanbul project. In April 2016, an article based on law no. 6704 was added to the Law on Pastures. According to this, the status of the highlands and summer and winter pastures within in the project area shall be, *sua sponte*, removed by the Ministry of Transport, Maritime Affairs and Communications without adhering to the provisions of the Pasture Law. Thus, summer and winter pastures within the area of the Canal Istanbul project, whose sole purpose is to generate and share unearned incomes, are officially enclosed.

A similar situation is seen in the Green Road project intended to connect summer pastures in the Eastern Black Sea region. According to the Action Plan (2014) of the Eastern Black Sea Project (DOKAP), the 'Green Road' is expected to provide easy access to the upland villages in the region. Thus, the project will allow the region to become a branded value for the country's economy by using up the region's mines, especially water resources, biodiversity, gene resources, and summer and winter pastures. In the Plan, it is plainly emphasized that the local people's livelihood is closely tied to the ecosystem, but that sloppy use leads to the destruction of nature. Undoubtedly, local people also take part in contributing to environmental degradation. However, with the completion of the Green Road, the above-mentioned works are bound to lead to the irreparable destruction of nature as well as the means of subsistence.

For instance, it is outlined that 14 regions, all of which are found to have a high tourism potential in the Plan, will be declared Culture and Tourism Conservation and Development Regions. According to Article 8 of the Law for the Encouragement of Tourism, the President shall decide and declare the aforementioned regions. The areas of pastures, highlands, lakes, and rivers that are under the authority and at the disposal of the state within the region whose boundaries are explicitly determined, are *sua sponte* registered on behalf of the Treasury. Thus, it is possible to allocate these areas to Turkish citizens, foreign nationals, or companies upon request. It is also possible that the entire tourism region can be allocated to a single investor as well. The President alone is to make the necessary assessment in the case of a single investor. An investor who obtains the necessary permit can not only rent or operate it but also transfer the rights to a party. Investors who receive investment permits in the region are also given supplementary incentives. The law also stipulates that the corresponding public institutions are to give priority to the completion of necessary improvements related to the infrastructure, such as roads, water, sewage, electricity, and telecommunication. Thus, an area that has previously been used as a pasture or highland is expropriated by a private company as tourism investment during the allocation period. Therefore, the village community living in the region now can enter the touristic territory of the region as customers if they can afford the price asked.

So, it is possible to understand the reason why some villagers have been resisting the

Green Road for some time now. With the intervention of the armed gendarmerie forces at times dispersing the locals, the construction of the new road has proceeded. While trying to stop graders in the Samistal summer pasture of Rize with a tremendous effort, the words of Havva Bekar, "What is the state for? The state is long gone; what we are left with is just us, the community" (*BirGün*, 11 July 2015) should not actually surprise anyone. Because the DOKAP Action Plan, the Green Road project, the tourism region and incentives, electricity and water infrastructure, and gendarmerie intervention are nothing but another step toward the government's planned enclosures.

However, there are still differing opinions about the Green Road among the villagers who benefit from summer pastures. Let's leave the people who feel positive about the road because they presume that they will benefit greatly from ecotourism aside for now. In regard to the large upland community, when the use of the land for grazing diminishes, the number of people who help and support each other in solidarity will also decrease. The need to reach the city centre quickly when necessary can in effect feed the demand for shorter roads instead of walking much longer paths with twists and turns (see Yazıcı, 2016: 136-137). In other words, when the community is unravelled, the commons also fades with it.

An interesting example of the community's defence of summer pastures is worth mentioning here, I believe. Villagers in the Gito summer pasture of Çamlıhemşin complained to the District Governor about some campers in their animal grazing area and a person who set up a tent to sell food and drinks to campers - even though he also belongs to the same pasture community. The unrealized demands ultimately lead to some fierce arguments that then resulted in the burning of the tent. The claim put forward by the pasture community is that the occupation of the area by these campers made it impossible for the cattle to graze. The villagers firmly assert that the grazing area solely belongs to the cattle. They say that strangers pollute the highlands with their rubbish which apparently affects the wellbeing of the cattle that then eat the rubbish in their search for food (www.diken.com.tr, 6 August 2018). Issues such as the summer pasture being allocated to subsistence activities, the certain liabilities towards animals and highlands, and a commercial business being ill-suited to the purpose of using pastures are some of the matters here that are of pivotal importance in terms of the subject of this paper.

On the other hand, this example also leads us to a favourable debate in terms of obstructing access and enclosure. Since we do not have any research conducted on the issue so far, I would like to start from the premise that we can speak of the existence of the commons in the area, on the grounds of the conflict expressed by the pasture community in the above example. The summer pasture is closed to outsiders - campers in this case - because it is solely reserved for use by the community. The tent erected to sell commercial products is an enclosure of that part of the summer pasture. In such a case, we can clearly detect a contradiction between the use of the summer pasture by the campers and the tea selling activity that is a sort of enclosure on the one hand and the efforts of the commoners against the misuse of the summer pasture on the other - a contradiction that also points to the difference between obstructing access and

enclosure. We can see that it is not adequate to define the commons as something that “belongs to no one and everyone at the same time” for the commons is not obliged to include the principle of everyone’s free access in all cases. Some have the right to use it while others (in this case campers) may be deprived of access. Indeed, the commoners assert that they belong to the summer pasture, and that the summer pasture itself also belongs to them and the cattle. It is possible to say that another element that provides the legitimacy for obstructing access of others is subsistence production. Even if some claim that the person who puts up the tent is working for his subsistence, such an argument would be void as his activity, based on commercial interest, is a violation of the commoners’ rights to its use. Nevertheless, the issue of commoners obstructing outsiders’ access, even on grounds of legitimate subsistence production, still remains open to discussion - whether or not it is acceptable considering the idea of the commons - in the relevant literature.

Forest enclosures

According to 2015 Ministry of Agriculture and Forestry figures, the forests constitute 28.6% of Turkey’s total land area. Here, the forest villagers mean the inhabitants of villages located in or near forests. Although the numbers are now dated, around seven million forest villagers live in about 20 thousand forest villages. And yet the number of villages that gain their livelihood from forests is about 1100. What’s more, half of the latter figure is composed of villages whose secondary income is based on forest products. For this reason, it can be said that the majority of forest villagers are engaged in labor, farming, animal husbandry, small commodity production, and trade rather than earning their living from forests (Çağlar, 2014: 174-175). When forestry activities become insufficient for the livelihood of the community - i.e. when their life is not directly connected to the forest- there will be few examples of the commons that require interaction with the forest. Nevertheless, forestry cooperatives for village development are worth examining in this respect. While doing this, we should also consider the idea that “The state intends to integrate forest villagers and forest ecosystems into an operational enterprise” (Çağlar, 2014: 179). On the other hand, in the face of potential industrial threats, it is possible for the defensive reactions of the villagers in organising joint actions to transform a forest into the commons. Forest villagers undoubtedly benefit from the forest, but it is also clear that not every use should be considered as a common. We know that a common is the subject matter of enclosure. For these reasons if there is no common but a possibility and potential to develop ecological commons in or near forests, we can investigate not enclosures but the effects of enclosure.

The above-mentioned article of the Law for the Encouragement of Tourism envisages the allocation of forest areas within Culture and Tourism Conservation and Development Regions to the investor demanding when the highlands, summer and winters pastures are found to be insufficient. For this purpose, climate, environment, topography, altitude, and geothermal resource conditions offered by the forest area, together with the geographical and physical characteristics of coastal areas must be satisfactory enough. Thus, facilities for tourism in health, thermals, golf, sports,

tableland, winter, countryside, seaside, cruise, and sailing will be initiated in forest areas within the boundaries of the tourism region. Provisions such as incentives and infrastructure facilities mentioned above also apply in this case.

In the Constitution, it is distinctly emphasized that forests cannot be subject to a right of use other than public interest. In other words, even if the rights of use are granted for various purposes, they should all be accessible to the general public, thus everyone, according to the mandatory provision of the Constitution. When this rule applies, the forest will be accessible to anyone who wants to have a picnic, do sports or go hiking, enjoy the fresh air, or establish a relationship with nature. However, the facilities of in the Culture and Tourism Conservation and Development Regions and other tourism and sports facilities in forest areas outside these regions do not meet this qualification. Investors welcome capitalist classes and high income groups to these facilities that are unaffordable and inaccessible for the working class, low-income groups, and forest villagers, hence demonstrating the enclosure effect in forest areas.

Moreover, according to the Forest Law, all kinds of mining operations by developers in forest areas are permitted (art. 16). Interestingly enough, according to this law, it is forbidden to remove any amount of soil, sand, or gravel for one's own needs from a forest area without an actual trading purpose, and yet it is free to open a quarry as a mining enterprise. The quarries that damage forests and nearby settlements continue to operate in spite of local demands for their closure in order to protect the forest. Despite many years of opposition from the villagers in Kocaeli-Halıdere, a quarry that continued to operate for 13 years, was finally closed due to the danger of potential landslides (Gülezer, 2018). In addition to mining, there is a long list of other works and facilities to be carried out in forests: transportation, energy, communication, water, waste water, oil, natural gas, infrastructure, solid waste disposal and landfill facilities, and state-owned health, education, judicial services, and sports facilities as well as prisons. The use of forests for these works is permitted for a period of 49 years, which then can also be extended to 99 years (art. 17).

“Strategic investments”, which the Ministry of Economy have decided to support on the grounds of energy supply security, the reduction of energy dependency on foreign resources, and technology transformation can be established in forest areas. They can be carried out not only in forests but also on coasts, in streams, pastures, and plateaus. In accordance with the regulation known as Article 80, for these investments, the right to use of the property of the Treasury shall be left to the investor for a period of 49 years; and if requested, ownership is transferred to the investor without charge. In addition, the investor does not only enjoy exemption from customs duties and corporation taxes but also receives certain subsidies. For example, both the employer's national insurance contribution and 50 percent of energy consumption expenditures are met by the state for 10 years. The investor is even supported in terms of the wages to be paid to workers. The President is the sole authority for making these regulatory decisions and for ensuring their implementation. These investments may be exempted from the allocation, registration, authorization, and licenses foreseen in the legislation for the protection of the environment (Law No. 6745, O.G., 7 September 2016). The enclosure

effect of this whole arrangement is quite clear. For private investment, the various costs of which are covered by the public budget, a public good is given to capital free of charge. What's more, it is made impossible for the public to benefit from that public land either now or in the future.

Even though the legislative rule forbids the burning of forest land, the permitted construction of hotels and villas on those lands also creates an effect of enclosure. The method applied here is to usurp public property. The necessity of re-forestation of burnt forest areas is clearly stated in the Constitution and various laws. However, especially in coastal areas, burnt forest areas are being zoned for construction and left to the mercy of tourism capital.

As seen already, while various investments have been generously permitted, people's access to forest land has become almost impossible. Recently, it has also been ensured that the planted trees, which come under the category of 'forest products', are to be 'brought into the economy' by merchants of timber and forest products. It is a well-known practice that after cutting down trees, forest management sells them as logs. With a recent amendment to Article 30 of the Forest Law (O.G., 28 April 2018), the rule of selling planted trees at auction for a period of five years has been introduced. Even the shade of the merchant-owned planted trees is no longer within reach of the public, let alone the trees.

Can forest areas under the care and supervision of the State be reserved for the benefit of a particular sector for example for educational purposes? It is known that some foundations enjoy tax exemption granted by the President. The regulation stipulating that real estates should be given free of charge to some associations was announced in the *Official Gazette* dated 11 September 2018 and hence entered into force. Many foundation universities, such as Koç University, have established universities in the middle of forests or on Treasury lands, and have been run as profit-making companies. Together with the new regulations and amendments that alter existing laws, public benefit associations, the status of which is granted by the President, may have the right to exploit places that are under the authority and at the disposal of the State and also those that are owned by the Treasury. Thus, these associations will be able to build educational institutions and dormitory buildings by taking the land for free for a period of 49 years on coasts, pastures, plateaus, and forests. The question as to whether tourism and energy company developments as well as educational institutions are of real benefit and use to the general public still remains a controversial topic.

Through a variety of practices with the so-called aim of improving the conditions of peasantry, the forest villager becomes a mere instrument of the private ownership system to using forest lands for private interests. Obtaining timber logs from forests for poor villagers' need for shelter and also for the common requirements of the village such as schools, bridges, and health centres can be regarded as good practice (Forest Law, art.31). However, dividing forest land into parcels and selling them to forest villages as private property is something totally different. The ways and methods of this are set out in the Constitution and related laws such as the Forest Law and the Law

on Supporting the Development of Forest Villagers, and the Valuation of Areas Taken out of Forest Area Borders on behalf of the Treasury and Sale of Agriculture Lands Owned by the Treasury. According to item 2/B of the Forest Law, “lands that have lost the forest characteristics” are principally extricated from forest land. As expected, the official evaluation of whether land maintains its forest characteristics are rightly quite controversial. Afterwards, these places are sold to forest villagers who actually already use them.

In the 1989 and 2002 rulings, the Constitutional Court stressed that these areas could be left to the use of forest villagers, and they could not be transferred to the private ownership of villagers even if forest areas had lost their forest characteristics (Çağlar, 2016: 210-211). Indeed, unlike the use of land by forest villagers, the establishment of private property creates the enclosure effect. Private property is a right that ties land to a particular individual and thus deprives others of using it. As it stands, the Constitutional Court ruled that the sale of these places to those who were not even forest villagers was contrary to the Constitution. Nevertheless, despite these decisions, according to the law on the development of forest villagers in regard to places with 2/B status, it is now possible to construct private residences thanks to urban transformation projects. Additionally, according to articles added to the Forest Law on 28 April 2018, it is also possible to transfer these areas to private ownership of non-forest villagers through exchange, sale, and land consolidation methods.

Enclosures of coasts and waters

According to the Constitution, “in terms of the utilization of sea coasts that are under the authority and disposal of the State, of lake shores or river banks, and of the coastal strip along the sea and lakes, public interest shall be taken into consideration with priority”. But for waters and coasts, the implementation is very different from what is stated in the Constitution as it is with pastures and forests.

In Turkey, there are not many practices that characterize the interactions between communities and coastal areas as a common. Perhaps the example of İztuzu Beach is worth mentioning here. In the framework of the obligations of beach users towards the coastal ecosystem, it can be discussed as a commoning practice carried out by joint decisions and actions.

The operating rights of İztuzu Beach, which is located in the Special Environmental Protection Area, were granted to a foundation by the Ministry of Environment and Urban Planning. That foundation then rented the beach out to a private company. In response, local people formed the İztuzu Beach Rescue Platform (İKUP). They emphasized that neither the *Caretta caretta* (loggerhead sea turtles), which use the beach as their spawning ground every year, nor the natural and cultural assets, or the beach as a whole can be protected with a profit-oriented business approach. They organized a petition in order to block the management project. They also filed a lawsuit against the Ministry in the administrative court. Around six months later, the company

in question sent in tractors to expropriate the beach illegally. Following this development, the İKUP set up a tent to keep watch at the beach day and night. When the court issued an injunction in their favour to prevent the project, the environmentalists finally ended their 11-day watch (see Çoban, Özlüer, Erensü, 2015: 404-405). The Ministry stepped back whereby the beach was allocated to Muğla University for three years in order to conduct research on sea turtles, biodiversity, and pollution prevention. However, two weeks later, the university transferred the management of the beach to Dalaman, Ortaca, Köyceğiz Touristic Hoteliers and Enterprises Union (DOKTOB) (*Milliyet*, 8 June 2015).

Today, it is common practice for coasts to be rented to private companies. Hotels standing along the shoreline often restrict access to the coast to paying guests, which is against the law. Some municipalities also charge the general public an entrance fee if they want to enjoy the coastline. Even though the İztuzu example failed to bring about a long-lasting result, it does demonstrate the possibility of preventing the privatization and commercialization of coasts by municipalities, companies, and hotels through commoning efforts.

As I emphasized earlier regarding forests, new facilities for coastal, sailing and cruise tourism have been built in the Culture and Tourism Conservation and Development Regions. For 'strategic investments' such as energy production and technology development, coasts and rivers are given to companies for 49 years. It is possible for certain foundations and public interest associations to establish training and dormitory facilities in coastal areas for 49 years. In addition to these, mining can be carried out near drinking water and utility water reservoirs (the Mining Law). There are many examples of roads, airports, and housing projects constructed by reclaiming land along the coast. In addition, protected wetlands, which are regarded as ecosystems, can further be granted to private capital for commodity production. In accordance with the relevant regulations, wetland refers to "all waters, marshes, reeds, and peat lands that are important for living things, water birds in particular; as well as the inland areas of the coastal line and areas that have been ecologically designated as wetlands". But in which ways are wetlands offered to capital? The Çatlıdere wetland near the village of Aliağa, for example has lost its wetland status due to a decision by the İzmir Local Wetlands Committee chaired by the governor in order to allow a yacht construction facility in the area (Akdemir, 2018). All of the above examples are evidence of the enclosure effect since places that should be accessible to the general public according to the legislations have been transformed into elements of capital accumulation.

We are familiar with the fact that large and small hydroelectric power plants (HPPs) built on rivers make it impossible for village communities to benefit from local water. For many village communities, access to water is often a crucial element in their lives for several reasons including survival, subsistence production, and cultural relations. According to the related regulation, the 'rights to use' rivers to generate electricity are given to an investor company for a period of 49 or 99 years. The company virtually becomes the owner of the river, which is, legally, unowned and devoted to the benefit of the general public. Practices have shown that streams are brutally exploited by the

HPPs, which don't leave enough water for the village community or for aquatic life. In response to these circumstances, various anti-HPP protests have emerged in numerous places in Turkey.

Fishing vessels and fish farms point to the fact that, as Marx also put it (1976: 892), whilst the smell of the fish rises to the noses of the fishmongers, they scent some profit in it. Since fish farms are cages built in the sea, they create a real enclosure effect. Fish are reared in the plant and offered to a buyer. The facility violates the right of everyone to benefit from the sea and shores for it inevitably pollutes the sea. The pollution it creates damages the marine ecosystem and negatively affects the breeding and development of marine fish. In this respect, it also threatens small fishermen's subsistence. In various cases, local people have obtained legal gains through their struggles. The farms in the Ayvalık Islands Natural Park, which is under protection, and a tuna aquaculture facility on the Sığacık Bay in the Seferihisar district of İzmir are just two examples of successful environmental struggles. A group of locals also initiated protests against plans to establish fish farms in the Meleş Bay in the district of Anamur, Mersin. The Anamur mayor objected on the basis that the farms would certainly undermine tourism developments in the bay. Although farms and tourism developments are different activities, they still have similar enclosure effects.

We must now return to the point previously discussed regarding the importance of the attitude of the forest villager. When local beneficiaries of forests, pastures, waters, and coasts opt to put their individual interests to the fore rather than their obligations, the result is that everyone's access is put at risk. A case in point is the zoning amnesty. The Omnibus Bill (Law No. 7143, R.G., 18 May 2018) has introduced a 'zoning amnesty' by adding a provisional article to the Zoning Law No. 3194. Accordingly, 'Structure Registration Certificates' may be granted to unlicensed buildings that are in violation of the law but built prior to 31 December 2017. The amnesty concerns more than ten million structures and thus millions of property owners. Thus, many buildings, from skyscrapers and apartments to various facilities, hotels, motels, and small construction units have been included in the scope of the amnesty. This arrangement, with a few exceptions such as the Bosphorus coastline and the Bosphorus Preview Area, has been effective throughout Turkey. This means that many structures in pastures, forests, coasts, and lakes that can be considered a crime against nature will be pardoned. For example, lawsuits were filed against hundreds of people for constructing houses or transforming houses into hotels in Uzungöl (Long Lake), a lake situated in the Çaykara district of Trabzon province. The court had already ordered the demolishing of some unlicensed buildings and some property owners were even sentenced to prison for violating the law on construction and zoning. But all of these verdicts were overturned under the new amnesty. The inhabitants in question all applied to the ministerial offices to benefit from the new regulation. You might say "Uzungöl is no longer a lake but a giant artificial pool! Who cares about the amnesty?" However, there are some serious consequences to the new amnesty.

It is possible to see such examples anywhere in Turkey. As a rule, in fact, the right of the general public to benefit from publicly accessible places should not be violated.

Otherwise these and other such structures have an enclosure effect caused by property owners thanks to the zoning amnesty. In many of the examples we have seen so far, I have tried to highlight the current activities of capital that lead to enclosure and widespread enclosure effects. What I would like to emphasize here is that small property owners contribute to the spreading of a looting system and to the legitimizing of possessive individualism by becoming part and parcel of enclosures and enclosure effects. They also reinforce the social prevalence of the system of private property. Instead of sharing the ideal of collective praxis, it becomes easier and more common for individuals to pursue the dream of owning their own property.

The amnesties for the slums since the 1950s and the recent 2/B regulation can be considered in the same framework. Similarly, the temporary third article of the Pasture Law also has a characteristic that results in the private ownership of pastures. Nevertheless, there is a very clear difference between the right to private property and the right to use public goods. Forest villagers benefit from the forest and pasture villagers from the pasture. But he or she cannot inherit or acquire it. In short, the villager cannot expropriate the land. Even if a villager stops using it, other villagers can continue to use it. Thus, the next generation of villagers maintain their right to use. In this manner, future generations, just like the present one, will continue to be able to establish and maintain the commons. However, the sale of public land as a deed property weakens the possibility and potential of forming new commons there.

Conclusion

We can briefly highlight the scholarly contributions of the discussions above. Since enclosure means the expropriation of a common, it was first necessary to touch upon the discussion of the commons in the relevant literature. If the concept of the commons is defined in strict terms, enclosure policies and the politics of the commons are squeezed into a narrow concept since it requires many conditions to be met. In contrast, if it is considered in broader terms as the places and resources that are freely accessible to everyone, the difference between the commons and natural entities becomes blurred. In the former definition, commoning seems to be an exceptional practice. And the latter brings with it the error that each intervention resulting in the seizure of nature by capital remains identical to enclosure.

In order to solve these issues, I have tried to clarify the distinctive qualities of the commons. This clarification made it necessary to make a differentiation between the term enclosure and the enclosure effect. Based on this, the expropriation process creates the enclosure effect if there is no commons but the potential and possibility of constituting a common. In this respect, although the policy instruments are the same, some of them result in enclosure while some lead to the enclosure effect.

The examples discussed in the paper show that the policy tools and methods of enclosures are akin to those of Marx in the UK case. Legal regulations are amongst the most similar ones. The expropriation of places and entities subject to the commons is

implemented through new laws or amendments to existing ones. Lands as the commons and rivers that villagers benefit from are transferred to tourism, energy, and industrial capital by the administrative acts and actions of authorities. Privatization through sales and barter is also another broadly employed method. In today's world, it would not be appropriate for capital to expropriate the commons by using old-style methods of usurpation. The legislator seems rather convenient in terms of introducing new laws, amnesties, and amendments in that matter. Through methods such as the zoning amnesty and 2/B regulation, small property owners are also turned into small stakeholders of capitalist plunder. As the ground is set in this way, enclosure opportunities offered to big capital are met by social silence.

Nevertheless, enclosure and the enclosure effect include the conditions necessary for creating their counter-effect or opposition. If the commons are based on a relatively strong sense of commoning, then the anti-enclosure struggles can also be expected to strengthen. The reason for this is that not only the commons but also the commoning community is targeted. Consolidating commoning practices in the loose commons gains more ground in this regard. And the same goes for the enclosure effect. The best way to prevent the policies leading to the enclosure effect is to bring out of the potential of the commons.

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The Politics of the Commons: from Theory to Struggle



ISBN:
978-605-67704-2-5