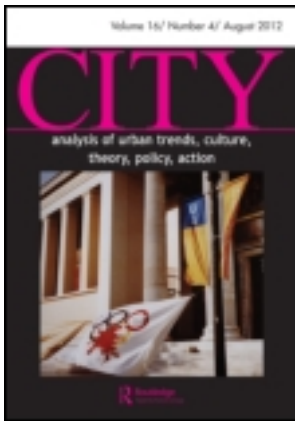


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City: analysis of urban trends, culture, theory, policy, action

Publication details, including instructions for authors and subscription information:

<http://www.tandfonline.com/loi/ccit20>

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Version of record first published: 24 Sep 2012.

To cite this article: Stuart Hodkinson (2012): The new urban enclosures, City: analysis of urban trends, culture, theory, policy, action, 16:5, 500-518

To link to this article: <http://dx.doi.org/10.1080/13604813.2012.709403>

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The new urban enclosures

Stuart Hodkinson

The ongoing crisis of global capitalism has served only to intensify the past four decades of neoliberal restructuring of cities across the world. In this paper I critically reflect on a literary aspect of the neoliberalising city academic discourse that is too often left untheorised or underplayed—the prevalence of contemporary urban enclosure. My aim is twofold: to synthesise theories of old and new enclosure with more familiar understandings of neoliberal urban processes; and to then apply this framework to the British housing experience of the past four decades. In doing so, I argue that enclosure is not only a metaphor for contemporary urban policy and processes but also provides an explanation for what is taking place. The paper concludes with some brief thoughts on how today's 'urban commoners' might contest the new urban enclosures by finding common cause around visions and practices of a 'new urban commons'.

Key words: neoliberal restructuring, housing, urban policy, urban commons

Introduction

Over the past 40 years, capitalist cities across the world have been radically restructured along neoliberal lines. Our understandings of this process have been assisted by insightful theorisations of 'neoliberal urbanism' that capture the specific mechanisms through which city space is continuously reorganised and re-regulated in the interests of global (finance) capital (Brenner and Theodore, 2002b; Harvey, 1989; Smith, 1996; Leitner *et al.*, 2007). In this paper, however, I want to bring to the fore and critically reflect on a literary aspect of the neoliberalising city academic discourse that is too often left untheorised or underplayed—the prevalence of *urban enclosure*. Connecting enclosure to the city is, of course, common sense in historical terms. Enclosure was and remains, in many respects, the midwife of the capitalist city, wresting the peasant producer from the

means of production and propelling over time a mass landless proletariat into the swelling ranks of the industrialising and urbanising centres so brilliantly captured by Marx's theory of primitive accumulation in *Capital: Vol. 1* (1990 [1864]).

Seen through this lens, the old enclosures that privatised property and proletarianised people in the Global North are very much alive today in those hitherto non-capitalist agrarian geographies and communal enclaves of the Global South where the rate of urbanisation continues to astound and alarm (Davis, 2006). As millions are forced off the land and into these swelling urban centres, new urban enclosures are also emerging in the shape of gated communities where whole neighbourhoods are physically fenced off or walled and flows of people in and out are highly controlled and selective, driven in part by the 'fear' of, and the need to exclude, segregate and control the criminalised poor (Landman, 2006). But what is striking about urban life in the apparently *post-enclosed* spaces of the

Global North governed by normalised capitalist social relations is that these neighbourhood enclosures are not only also rife, they are synonymous with neoliberal restructuring of city space. We tend to associate the explosion of gated and securitised zones—residential, office, retail and recreational—with the USA (Blakely and Snyder, 1997; Low, 2006), but they are on the rise across most of the so-called developed countries (Webster *et al.*, 2002). In *Seeking Spatial Justice* (see *City* Vol 14 Issue 6 and Vol 15 Issue 1–2 for recent debates), Ed Soja argues that while the enclosure of public and private space is nothing new, its form and proliferation under neoliberalism are:

‘Not only are residences becoming increasingly gated, guarded and wrapped in advanced security, surveillance, and alarm systems, so too are many other activities, land uses, and everyday objects in the urban environment, from shopping malls and libraries to razor-wire protected refuse bins and spiked park benches to stave off incursions of the homeless and hungry. Microtechnologies of social and spatial control infest everyday life and pile up to produce a tightly meshed and prisonlike geography punctuated by protective enclosures and overseen by ubiquitous watchful eyes.’ (2010, pp. 42–43)

Explanations of this phenomenon vary. For some, urban enclosure is a response to the fear of threatening ‘others’ in ever-polarised cities (Minton, 2009; Soja, 2010); for others, it is the inevitable securing of private property rights to scarce resources in market economies so as to exclude potential free-riders (Lee and Webster, 2006). For neo-Marxists like David Harvey, urban enclosure is one form of a much wider and historic process of ‘accumulation by dispossession’ in which the privatisation and dispossession of resources has moved to the forefront of capitalist growth strategies (Harvey, 2003). As Glassman (2006) argues, the notion that acts of enclosure are somehow returning or are recurrent in spaces previously considered

to have gone through the spatial violence of primitive accumulation marks a significant shift in our understandings of global transformations integral to contemporary capitalism. And yet, urban enclosure continues to evade in-depth theorisation and empirical analysis in its own right. In particular, as Vasudevan *et al.* (2008, p. 1642) argue, we lack ‘spatial histories of neoliberalism that take due consideration of the broader politico-economic canvas’ and specifically explore the ‘complex figurations through which enclosure and neoliberalism are intertwined’. Too much, meanwhile, remains too abstract:

‘The material “facts” of dispossession are as important as their meanings—and they must be understood together in terms of multiple historical/geographical determinations, connections, and articulations.’ (Hart, 2006, pp. 983–984)

In this paper, I want to contribute to the process of redressing the theoretical and empirical lacunae of contemporary urban enclosure by reflecting on its nature, mechanics and implications with reference to neoliberal housing and urban policy in Britain. My aim is twofold: to synthesise theories of old and new enclosure with more familiar understandings of neoliberal urban processes; and to then apply this framework to the British housing experience of the past four decades. I try to show that enclosure is not only a metaphor for contemporary urban policy and processes but also provides an explanation for what is taking place. The paper concludes with some brief thoughts on how today’s ‘urban commoners’ might *contest* the new urban enclosures by finding common cause around visions and practices of a ‘new urban commons’.

Primitive accumulation on the land: the *old* enclosures

Following Marx, the classical story of enclosure and primitive accumulation is arguably found in England. Before enclosure came,

land ownership was personally claimed for the ruling monarch and parcelled up and distributed to the nobility in return for military service in common with much of Western Europe (see Anderson, 1974). Shoring up the bottom of this feudal hierarchy was the manorial lord who oversaw and lived off a local system of open field strip farming involving land-owning yeomen, tenant farmers and, until the 15th century, serfs whose labour was directly exploited by the lord. Underpinning the feudal village economy, however, was *common right*—customary privileges enjoyed by village landowners, their tenants and certain cottagers that included grazing livestock on fallow and harvested land and the village commons, which had been enshrined in English law by the Magna Carta of 1215 (Neeson, 1996 [1993]). For the landless, meanwhile, whether labourers, artisans, small tradesman, the unfortunate, immigrants or squatters (Ward, 2002), survival came through a more precarious form of what Linebaugh (2008) calls ‘commoning’ through accumulated traditional rights or outright trespass on wastelands and forests, for free fodder, fuel, building materials, berries and herbs. Many historians believe that entire village populations were economically supported in some way or other through the rights and customs of the commons (Perelman, 2000; Slater, 2005 [1907]).

The nobility’s right to enclose wasteland under certain conditions can be traced to the Ancient Statute of Merton (1235), but it was in the mid-15th century that manorial lords and ecclesiastical landowners first began making concerted efforts to evict cottagers and depopulate villages (Hollowell, 2000). Enclosure took place in myriad ways and evolved through time: by ‘piecemeal’ arrangements where landowners agreed to take small pieces of land out of the open fields or commons for their own exclusive use; by the Lord of the Manor collecting all the tenancies into his own hands, not issuing new ones, or straightforward evictions; by encroachment or squatting; by agreement based on the common consent of

all the landowners in a parish; by special Royal licence; by outright purchase by one owner of all common rights; by ‘various forms of force and fraud’¹ (Slater, 1907, p. 6); and, once Crown opposition had subsided, by the state itself under act of parliament, either by a private act or under the authority of the General Enclosure Acts of 1830, 1836 and 1845 and its amending Acts, that provided enclosers with the legal powers to enclose the commons while outlawing all opposition and rebellion as punishable by jail and even the death penalty (see Hollowell, 2000; Marx, 1990 [1864]; Mingay, 1997; Slater, 1907). By 1760, the vast majority of England’s land had been enclosed without the need for Parliamentary sanction (Wordie, 1983). Whenever, wherever and however it came, the advent of enclosure always brought:

‘... the extinction of common rights which people held over the farm lands and commons of the parish, the abolition of the scattered holdings in the open fields and a re-allocation of holdings in compact blocks, accompanied usually by the physical separation of the newly created fields and closes by the erection of fences, hedges or stone walls. Thereafter, the lands so enclosed were held “in severalty”, that is, they were reserved for the sole use of the individual owners or their tenants.’ (Mingay, 1997, p. 7)

The motives of enclosers varied, but the desire to privatise the riches of the soil was omnipresent. By creating geographically concentrated and enlarged farms, producers could profit from the rising prices of agricultural goods, convert land for different uses (e.g. from arable to pasture) when demand and supply dictated or mine the huge seams of coal and iron ore for expanding industry (Mingay, 1997; Theobald and Rochon, 2006). Unsurprisingly, enclosure overwhelmingly benefited the local minority of rich landowners and larger tenant farmers at enormous cost to the rural majority. A key factor was the financial bill of enclosure comprised of various legal, consultancy and

parliamentary fees, and the costs of new roads, bridges, drainage and, above all, the fences to line the new land holdings. The smaller, poorer landowners, particularly those who had relied on the commons and whose land holding was reduced through enclosure, were simply forced to sell part or all of their holding. Significantly, the commonable meadows and wastes worth cultivating were also divided up and privatised primarily among the existing owners. For the rest of the population, there was no recompense, only dispossession and desolation, as peasants were cleared from the land, their homes and villages demolished, to make way for private farming or development. Local unemployment rose and wages fell; in the words of Gilbert Slater (2005 [1907], p. 2), it marked 'the extinction of the village community'.

While there have been important scholarly contributions to our understanding of enclosure, Marx's analysis remains the most important and influential. In simple terms, Marx emphasised enclosure's role in a much wider, revolutionary process of social change from the 16th century onwards. Fencing off the commons, he argued, enabled the very 'primitive accumulation' of capitalist social relations to occur by facilitating the *separation* of producers from the means of production:

'The capitalist system pre-supposes the complete separation of the labourers from all property in the means by which they can realize their labour. As soon as capitalist production is once on its own legs, it not only maintains this separation, but reproduces it on a continually extending scale. The process, therefore, that clears the way for the capitalist system, can be none other than the process which takes away from the labourer the possession of his means of production; a process that transforms, on the one hand, the social means of subsistence and of production into capital, on the other, the immediate producers into wage-labourers. The so-called primitive accumulation, therefore, is nothing else than the historical process of divorcing

the producer from the means of production. It appears as primitive, because it forms the pre-historic stage of capital and of the mode of production corresponding with it.' (Marx, 1990 [1864], pp. 874–875)

Primitive accumulation established the conditions for capital accumulation through simultaneously transforming the social means of (re)production into private property and enforcing proletarianisation (i.e. making people dependent on wage labour to literally survive); enclosure's role was essential as the physical–legal process that smashed the protective shield of common right that previously protected the peasantry from total wage dependence. Marx's second critical contribution was to draw out the necessary *extra-economic forces* behind this physical process of divorce to which he referred ironically as the 'many idyllic methods' (1990 [1864], p. 895) that left capital 'dripping from head to foot, from every pore, with blood and dirt' (p. 926). As Perelman (2000) argues, in Marx's analysis the enclosure of the commons was not enough to generate the proletariat for capital—nature still provided the rural population with the means to subsist while the social violence of enclosure generated resistance. Primitive accumulation, therefore, required a sustained ideological assault by pro-enclosure propagandists both on what Hardin (1968) would later coin the 'tragedy of the commons' and the commoners themselves ('conservative', 'lazy', 'wasteful', 'drunks', 'barbarians', 'thieves', etc.) for standing in the way of national economic growth and progress (Neeson, 1996 [1993], pp. 15–52). These interventions helped to eventually win the argument for enclosure in Parliament (which was in any case dominated by landowners), who passed into law a 'system of stern measures' designed to prevent people from finding alternative survival strategies outside of wage labour as well as to maximise productivity within the labour process and subdue the poor who resisted by attacking traditional rights (to common), customs

(to holiday) and workers' collective action (to unionise) (Perelman, 2000, p. 14).

The spatiality of enclosure

As many authors have noted, although Marx's focus was proletarianisation, his theory of primitive accumulation and of the role of enclosure therein, proffered a far more comprehensive, multidimensional and, crucially, globalised set of relational processes essential to capital's genesis. These included 'colonial, neo-colonial, and imperial processes of appropriation of assets (including natural resources); the monetization of exchange and taxation, particularly of land; the slave trade; and usury, the national debt, and ultimately the credit system' (Harvey, 2003, p. 145; see also Glassman, 2006). Land enclosure was thus just one of many mechanisms of primitive accumulation. Nevertheless, it played a central *spatial* role that is too often ignored.

The physical geography of enclosure was central to the new legal settlement of private property rights that held precedence over traditional rights to share land: the borders that lined the land were to stop the 'free passage of men and animals' and reflect its now 'exclusive ownership and occupation' (Slater, 2005 [1907], pp. 1–2). The privatisation of medieval public space—the open fields, meadows, commons and wastelands—fenced off places of cooperative labour, social interdependence and commoning from the general population. Dispossession and displacement were not simply the consequences of enclosure, they were its very essence, and led to both the commodification of labour power and the commodification of space as a highly valuable asset that could now be commercially exploited for private gain. This in turn made enclosure itself a new and profitable form of speculative investment, providing an outlet for the immense profits made in the colonies and the slave trade to underwrite the huge costs of what amounted to early forms of regeneration in the building of new farms

and local road networks to facilitate access to the new agrarian estates. Enclosure stimulated an active local land market, especially in small plots, as owners cashed in on their valuable asset usually to meet the costs of enclosure, and investors looked for long-term profits. Rents rose rapidly to reflect not only the higher land values of these exclusive holdings but also the large debt and interest repayments stacked up in the process. Primitive accumulation by enclosure thus went much deeper than the separation of the peasant producer from the means of subsistence and production: it involved a massive appropriation of state and church lands and their wealth of valuable resources into the private hands of landowners, generating the *concentration and expansion of landed class power*—an original accumulation if ever there was one; and unleashed more automatic processes of commodification and market law that fuelled further displacement. Above all, enclosure enshrined and ideologically embedded the ultimate cultural value of capitalist society, the sanctity and inviolability of private property in land, performing the 'legitimizing function for all forms of private property' including private ownership of the means of production (Harvey, 1982, p. 360).

Contemporary enclosure: new, continuous ... urban?

Enclosure thus acted upon and transformed space for the benefit of capital in multiple ways, whether through privatising land and its resources, objectifying the body for wage labour and colonising the spatial imaginary. These processes are evidently alive and well in those hitherto non-capitalist spaces of the Global South (Bush, 2007), but how are they relevant to cities in the Global North? To try to shed some light on this question, I turn to two quite different but relevant literatures on contemporary enclosure: theory and research that takes an exclusively urban/city focus; and scholarship that brings

contemporary enclosure within a wider framework of new or continuous primitive accumulation.

Enclosure and commons in the city

One of the most lucid and still relevant conceptualisations of the ‘creative destructive’ neoliberal processes by which cities in Western settings have been (re)claimed as central sites for capital accumulation, elite consumption and financial speculation can be found in Brenner and Theodore (2002a). They set out a 12-pronged framework of ‘politico-institutional mechanisms’ employed by national governments and urban growth coalitions to replace the national institutional arrangements and political compromises of Keynesian–Fordism with a ‘new infrastructure for market-oriented economic growth’ set within a globalising and financialising economy (Brenner and Theodore, 2002a, p. 362). These mechanisms include *inter alia*: (i) the privatisation of the municipal public sector and collective infrastructures; (ii) the gentrification-led restructuring of city centres and inner-city housing markets through gated mega-development projects, widespread clearance of public housing and other low-rent accommodation, and the elimination of various regulatory protections for tenants; (iii) new strategies of territorial development that expose localities to global market forces and encourage business (re)location through special zoning incentives; and (iv) the privatisation and intensified surveillance of public spaces and the creation of new, privatised spaces of elite/corporate consumption both governed by zero tolerance, discriminatory and illiberal social control (pp. 370–372).

Although they do not directly use the term ‘enclosure’ itself, Brenner and Theodore’s analysis makes it clear that enclosure is the modus operandi of neoliberal urbanism. Enclosure abounds in the ‘privatisation’ of spaces and services formerly publicly owned and open/affordable, and in the ‘fencing off’

of the city itself through the countless residential, office and retail developments that both destroy the existing use values and publicness of particular spaces and seek to ‘displace’ and ‘exclude’ the urban poor from the city. As Blomley (2008) argues, wherever landowners or developers enforce their legal rights to demolish and/or redevelop their private property that also happens to be someone’s home or a community’s park, neighbourhood, play area or local shop, etc., they are by definition *appropriating* and thus dispossessing and excluding local people from what they see and treat as their *common property*:

‘State, private and collective property, including streets, parks, residential hotels, community centres and so on, are all imagined here as integral parts of a local land claim over which the poor have legitimate interest, with rights that are both symbolic and practical.’ (p. 316)

Blomley’s wider, class-based understanding of urban commons rests primarily on the *imagined* rights of community residents that, in contrast to capitalist property law, are

‘... based upon and enacted through sustained patterns of local use and collective habitation, through ingrained practices of appropriation and “investment”. By virtue of being in place for a long time and using and relying upon the commons, residents both acquire and sustain a legitimate property interest ... The poor have “invested” in that space ... There are echoes here of the common law notion that sustained use can lead to a sharing of even a transfer of title, as in the case of prescriptive easements, adverse possession and public rights of way. The commons, in other words, is not so much found as produced ... the commons is a form of place-making.’ (p. 320)

Enclosure moves more insidiously through the privatisation, corporatisation and revanchist control of public space and the associated political curtailment of the public sphere that have become familiar experiences of urban entrepreneurial strategies

(MacLeod, 2002; Minton, 2009; Mitchell, 2003; Smith, 1996). This is producing what Bottomley and Moore (2007, p. 173) see as the ‘fortress city’ in which city rulers—whether public or private—use both physical and immaterial technologies of enclosure to block and stop enemy movement and render it impotent ‘as part of a broader pattern of regulation and control, which has affected our access to all urban space, including non-enclosed and non-privatised “public space”’. Enclosure, then, appears as the essential accomplice to neoliberal urbanism. If theorisations become a little fuzzier on why that might be, a common thread running through the literature is the belief that enclosure in all its multiple senses (privatisation, physical fortressing and control, displacement, exclusion, etc.) is the principal method by which city space can be *purified*, attracting and retaining the desired on the inside of, and made secure against all those who serve to devalorise its exchange value or disrupt the process of consumption—the poor, the homeless, the street traders, the political campaigners, the alternative types, etc. (Beckett and Herbert, 2010). Indeed, the need or desire to create borders so as to ‘include’ and ‘exclude’ is effectively the same argument made by those writing from a more neo-classical perspective. Lee and Webster (2006) argue, for example, that the growth of private neighbourhoods and gated communities is part and parcel of a global trend towards private management and decision-making in cities today caused by the ‘tragedy of the commons’. Rising land values produced by economic growth and privatisation of urban public domains in market economies create ‘an inescapable secular trend towards the subdivision of property rights’ that must inevitably produce ‘physical enclosure’ to exclude potential free-riders from land and other scarce urban resources: ‘Without a mechanism to protect a community’s property rights over shared goods, no entrepreneur will supply unsubsidised neighbourhood goods’ (Lee and Webster, 2006, pp. 28–29).

What is less clear, however, is why enclosure is so essential to the urban recipes of neoliberalisation. Widening our gaze beyond the city reveals that contemporary enclosure is, in fact, equally rife in non-urban realms from animal farming (Theobald and Rochon, 2006) to education (Harvie, 2000), information and intellectual property (Boyle, 2008), nature and indigenous knowledge (Shiva, 1997), border regimes (Cunningham and Heyman, 2004) and military imperial adventures in Iraq (*RETORT*, 2005). Literature on cities equally tends to be unable to explain the connections between urban enclosure and this wider process of new enclosures. This is where recent theoretical work on the role of primitive accumulation in contemporary global capitalism can provide some important insights.

Accumulation by dispossession

It was Midnight Notes Collective’s (1990) rousing analysis of ‘the new enclosures’ that first convincingly broke with orthodox readings of Marx’s theory of primitive accumulation as representing only ‘the pre-history of capitalism’ (Bonefeld, 2001, p. 2). Instead, enclosures were ‘a regular return on the path of accumulation and a structural component of class struggle’ representing a ‘dynamic capitalist response’ to the expansion of proletarian power, whether through the appropriation of new resources, the creation of new labour power or the extension of capitalist relations in order to save capitalism from ‘extinction’ (Midnight Notes Collective, 1990, p. 1). They saw the global economic crisis of capitalism from the 1970s onwards as triggering a new and historically unprecedented wave of enclosure under neoliberalism on a planetary scale designed not simply to source new outlets for accumulation but to generate ‘the large-scale reorganization of the accumulation process’ itself (*ibid.*) in order to undermine collective organisation and place-based struggles,

depress wages, and make workers vulnerable and precarious and thus more compliant to capital. This two-fold process did not simply unfold in the classical expropriation of land and the expulsion of a massive new army of mobile and migrant labour into the global economy, but encompassed privatisation of industries and sectors in the core capitalist countries and the enclosure of the human species' very own *reproduction* through both the destruction and genetic patenting of nature and the commodification of human affects and immaterial attributes at the frontline of service sector wage labour (*ibid.*, p. 7).

The subsequent development of primitive accumulation theory has arguably taken two related but discernibly different paths, one remaining faithful—albeit critically—to a more orthodox reading of Marx, and the other blazing a radical reinterpretation in the space opened up by *Midnight Notes*. The former path is best represented in Harvey's 2003 epic, *The New Imperialism*, in which he introduces the term 'accumulation by dispossession' as a way of understanding these extra-economic forms of new enclosure gripping the planet under neoliberalism. Two aspects of his thesis stand out: first, that in advanced capitalist countries we are seeing the *restoration* of old enclosures through 'rolling back' the state interventions (public ownership, universal services) and class compromises of the 20th-century Keynesian Welfare State that created degrees of collective protection from untrammelled market forces and exploitation (Harvey, 2003, pp. 145–148); and second, the return of enclosure and other extra-economic acts of dispossession is a response to the chronic problems of overaccumulation that have engulfed capital since the early 1970s. In this context, 'accumulation by dispossession' has been pushed by neoliberalism to the forefront of capital accumulation, working alongside expanded reproduction, in order to create 'new terrains of accumulation' that find profitable outlets for the huge surpluses of capital (and labour) lying idle:

'On the one hand the release of low-cost assets [through privatization] provided vast fields for the absorption of surplus capitals. On the other, it provided a means to visit the costs of devaluation of surplus capitals upon the weakest and most vulnerable territories and populations.' (Harvey, 2003, pp. 184–185)

A contrasting perspective can be found in the work of Massimo De Angelis (2007), who understands contemporary acts of enclosure and primitive accumulation, not as responses to *periodic* overaccumulation crises *à la* Harvey, but as part of the normal, day-to-day functioning of capital accumulation and the reproduction of capitalist social relations. Underpinning this theory is the autonomist Marxist contention that the circuit of capital accumulation and the wider nexus of capitalist social relations are inherently prone to crisis because of class struggle (see Bell and Cleaver, 1982). Significantly, De Angelis does not simply restrict this crisis potential to the familiar spheres of production and consumption but extends the immanence of crisis to the sphere of *reproduction*, where, for example, the very biological and ideological production of wage-labourers (and obedient citizen-consumers) could be threatened by alternative value practices such as the creation of collective forms of economic self-provisioning or education that refuse to obey the dictates of capital (Federici, 2004). Enclosure is thus a 'constituent element of capitalist relations and accumulation ... characteristic of capital's strategies at *whatever* level of capitalist development' that shares a singular aim regardless of place:

'... to forcibly separate people from whatever access to social wealth they have which is not mediated by competitive markets and money as capital ... New enclosures thus are directed towards the fragmentation and destruction of "commons", that is, social spheres of life the main characteristics of which are to provide various degrees of protection from the market.' (De Angelis, 2007, p. 145)

Capital must therefore continuously and simultaneously devise 'strategies of enclosure' in

the spheres of both production *and* reproduction so as to open up new areas of commodification, keep open old areas of commodification under attack from commoning or recolonise spaces that have been turned into spaces of commons. De Angelis (2007, p. 79) sees these enclosure strategies as embodying both ‘generative’ and ‘preservative’ moments, which can be best understood through Perelman’s metaphor of the ‘two blades of a scissors’ (2000, p. 14)—the first blade being the act of enclosure that periodically cut away people from the means of reproduction to create markets, consumers and proletarians, the second blade representing the processes of ‘disciplinary integration’ (De Angelis, 2007, pp. 80–81) (whether disciplinary forms of command over subjects, the continuous *dispensation of rewards and punishments* to shape norms of interaction and social production, subjectification through governmentality, etc., laws, violence, education) to ensure that diverse value practices become subordinate to the one model that is pervasive on society, that people eventually respect the enclosures.

New enclosure theory: towards a synthesis?

How should we understand and relate to these differing theoretical approaches to contemporary enclosure? On first thoughts, there are clearly important divergences that appear to be partly rooted in different ontologies of capitalism. The first concerns the general *causality* of enclosure with explanations ranging from the neo-classical ‘tragedy of the commons’, the extreme physical response to fear and inequality, the changed accumulation needs of capital during periodic overaccumulation crises, or the threat that class struggles pose to production and reproduction. A second variance lies in the place of enclosure in *historical time* with some authors viewing today’s enclosures as responses to historically specific moments of crisis, whether due to the

contradictions of neoliberal urbanism for social reproduction, or due to the periodic crisis of capital (see Dawson, 2010 for a Harvey-esque periodisation of enclosure); whereas for others, enclosure is a logical, evolutionary or continuous feature of market societies, whether in the physical enclosure of privatised resources as their value and scarcity rise, or in the more general and diverse strategies of capital to accumulate in the face of everyday threats against that process. This links to a third disagreement, over the *actors and mechanisms* of enclosure: for some, enclosure is intrinsically an extra-economic act of separation, privatisation and dispossession embodied in physical and legal mechanisms principally orchestrated by nation-states (acting alone or in concert) and other political actors able to exercise physical and legal control over resources in order to privatise them for some and dispossess others; for others, these extra-economic acts extend to micro-technologies of control, surveillance and, crucially, subjectification that can eventually assume automatic processes of regulation and conformity without the need for physical and legal enforcement.

Rather than viewing these differences as irreconcilable, however, I think we can find in them commonalities and complementarities that offer the basis for synthesis from which a provisional theory of neoliberal urban enclosure can be sketched out. In a general sense, what binds these approaches together is a rethinking of ‘enclosure’ away from the traditional Marxian formulation of ‘the separation of producers from their means of production’ as a distinctive phase within a teleological development of the capitalist mode of production to encompass multiple strategies and forms in response to the crisis of capitalist social relations. Enclosure can thus seek out new spheres of life for accumulation, take place within spaces that have already been enclosed but where capitalist relations are under threat, or target spaces or networks that embody forms of commons, not just as natural resource pools, but also as

socially constructed resources that provide degrees of protection from market forces and accumulation strategies. These commons do not necessarily have to be completely alternative non-capitalist economic spaces but rather form a sufficient composition of security to undermine accumulation. In other words, primitive accumulation and enclosure are not just about closing off soil and land in a narrow sense but shutting down access to any space or sociality that threatens our ideological or material dependence on capitalist social relations, thus threatening accumulation.

With this general principle established, we can understand ‘new enclosures’ as consisting of three main acts. The first is *privatisation*—this is the ‘physical–legal’ process of *enclosing* something, that is, fencing it off, to enable an exclusive separation to occur between those who have the sole right to own, access, and determine access and use of that thing and to realise exchange-value (and profit) from it—whether land, services or ideas—and those who have no such rights. The fences might be solid steel or immaterial borders policed through behavioural codes and surveillance, but they simultaneously prohibit and protect individual private property rights. The second act of enclosure is the *dispossession* of those who are now on the other side of this new enclosure line, whether in the loss of land to grow food, of one’s home or access to affordable housing, or the denial of certain services or even knowledges that people used to enjoy. The final act of enclosure comes from the process of *capitalist subjectification*—here enclosure means the *encapturing* of people, place, space and culture within the commodifying and alienating logic of capital accumulation and the competitive, marketising logic of neoliberal rationality. To be ex-closed from the means of life means to be en-closed within the accumulation process, and the particular logic and rationale of capital. Here we can think of enclosure as imprisonment, as the enclosure of our minds and bodies within the

capitalist–imperialist–authoritarian machine as factors of capitalist production (wage labour), as consumers of the capitalist market, as ideological adherents of capitalist society (entrepreneurs or property owners) at the mercy of ‘capitalist realism’ (Fisher, 2009). To be enclosed is to be commodified, objectified, dehumanised; and thus it is to be subjectified.

However, if we can understand the purpose and mechanisms of new enclosure in the abstract, how can we use these theoretical frames to explain life in the concrete, and how do they help us to understand what is happening to cities on the ground? In the remainder of this paper, I try to usefully respond to these challenges through a brief and illustrative example of housing privatisation and urban regeneration policy in Britain under neoliberalism.

Neoliberal urban enclosure in motion: housing privatisation policy in Britain

Since 1979, successive UK governments irrespective of political composition have pursued a continuous neoliberal ‘project’ towards the wider housing system aimed at rolling back citizen’s protections from market forces and rolling out new forms of market-based housing provision. The nature of these protections and how they came to be institutionalised are too complex for this paper, but the essential features can be summarised as follows. During the late 19th and early 20th centuries, the spectacular failure of private landlordism (and Victorian philanthropy) buttressed by fears of working-class revolution being forged in the insanitary inner-city slums gradually fuelled an unstoppable momentum for state intervention that for various reasons would form a key pillar of the post-war welfare state consensus (see Harloe, 1995). The principal form of public intervention was a sustained, state-financed mass public house building programme that by the end of the 1970s had created a valuable asset of 6.6 million public homes directly

owned and managed by municipal landlords, accounting for around a third of the country's housing stock.

What Malpass and Victory (2010) call the British public housing model was characterised by three main attributes: a mainstream tenure of choice and 'non-market' alternative to private ownership or renting, accommodating a broad social spectrum (Hills, 2007); a municipal production in which local authorities were directly responsible for the building, day-to-day management and maintenance and financing (supported by central subsidy) of their public housing stock, and accountable to tenants through the ballot box; and an allocation model based on general and not special needs that offered the security of a 'home' to the queuing public on a first come, first served basis with some discretion based on circumstances. However, state intervention went beyond public housing to encompass at various points regulation of the private rented sector in the form of rent controls and protections against evictions, and with the 1977 Housing Act, the legal requirement that local authorities provide lifetime tenancies to the most vulnerable homeless groups (see Hughes and Lowe, 1995).

Although private home ownership became the dominant and preferred tenure over the course of the post-war era, assisted by government subsidies, at the same time the principle of decommodified housing provision was won, and the state ensured that an alternative, complementary set of decent housing spaces were produced. The advent of neoliberalism with the election of Thatcher's Conservatives in 1979, however, brought a systematic assault on this settlement in ways that capture the essence of the new urban enclosures in motion.

Urban privatisation

Spearheading the neoliberal attack, particularly during the 1980s, has been the physical-legal form of enclosure—privatisation—through which traditional

rights to common property, in this case the public's right of access to public housing, have been replaced with individual private property rights. Privatisation has targeted the public housing model through encouraging direct sales at large discounts of public housing to sitting tenants (known as the 'Right to Buy') so as to expand home ownership at the expense of the public housing stock (Forest and Murie, 1988). Over the past 30 years, some 2.7 million public homes have been sold off in this way. Enclosure *by* individuals has been complemented by the privatisation of individual estates and entire local authority stocks to charitable housing associations or Registered Social Landlords (RSLs) as part of the state's desire to end municipal landlordism altogether, accounting for a further 1.5 million public dwellings. However, the state has gone much further than this as part of a 'wide ranging mutually reinforcing privatization strategy' (Murie, 1993, p. 154). Under a deliberate policy of *residualisation* (Cole and Furbey, 1994), *new* public house building has been gradually constricted to a trickle with the majority of the dwindling public subsidy for 'social rented housing' switched to housing associations, who have in turn been increasingly forced to rely on commercial borrowing, putting upward pressure on rents. The result has been a net loss of 1.9 million social rented homes since 1979, a shift from 31.4% of the overall housing supply in 1981 to just 18.1% today (CLG, n.d.). Other mechanisms include: deregulating rent controls and tenancy rights in both the private and RSL sector, while commercialising social sector rents; using both public subsidy and legal measures to encourage private provision such as mortgage market deregulation or housing benefit to support private rental consumption; contracting out construction and services such as caretaking, cleaning and maintenance, as well as the up-front financing of these activities, to private companies, for example, the Private Finance Initiative (see Hodkinson, 2011); and privatising the development process through

streamlining planning and building controls, and making public land available for private development, including through so-called regeneration schemes that involve the demolition of public housing (and also privately owned housing) to make way for private residential development (Allen, 2008).

These acts of privatisation appear to be primarily geared towards Harvey's notion of 'accumulation by dispossession'. Expanding home ownership has been vital for finding new sources of accumulation for finance capital. This is why neoliberalism made the privatisation of public housing in Britain its flagship policy, shutting down affordable and secure alternatives to the market and co-opting key sections of the working class into what Thatcher called 'popular capitalism'. Direct privatisation of public housing has created new outlets for surplus capital, most obviously as opportunities for the circulation and accumulation of interest-bearing capital owned by banks and other finance capitalists, for example, through mortgage lending to individual tenants taking up their legal right to buy or loans to RSL companies to enable them to buy up and invest in public housing stocks. This has enabled interest-bearing capital to gain more profitable access to the land rents previously locked up within the old collectivist model of housing finance by being able to command higher rates of interest from tenants who became mortgagees, or from the RSL companies who must over time charge higher rents to service the higher debt charges attached to smaller and thus riskier organisations. While RSLs are charities not legally permitted to distribute profits to shareholders, they are still run as commercial enterprises geared towards making operating profits and remunerating their executive and managerial staff at corporate, not public sector, levels of pay and conditions. Meanwhile, large corporate landlords have been able to grow in the vacuum left by the loss of public housing.

As well as raising tens of billions of pounds in revenues for the state, the privatisation

process has also generated enormous fortunes for private consultants and myriad legal, insurance and accountancy firms. A striking example is the story of social housing consultancy, HACAS Chapman Hendy, whose balance sheet grew on the back of advising local authorities pursuing stock transfers whilst at the same time merging with and acquiring rival consultancies, before it was bought by Tribal Group in 2003 for £45.1 million, making some of its director-shareholders instant millionaires (Inside Housing, 2003). The privatisation of public land banks in valuable urban and suburban locations has in turn unlocked private residential development, enabling speculators to cash in on large 'rent gaps' (Smith, 1979) (the difference between the possible rental values that land could command due to its prime location and the actual rental values currently charged), and the incoming homeowners and private landlords to take advantage of rising land values. More recent state-led gentrification interventions have worked alongside earlier privatisation technologies, such as the Right to Buy legislation. New Labour, for example, pursued policies designed to stimulate the local land market to encourage a glut of public sector tenants to become enclosers themselves by taking up their statutory discounts in the knowledge that in a few years time they could sell on their home for a huge profit, or borrow against the equity to finance consumption or further investments.

Urban dispossession

However, finding new outlets for surplus capital for accumulation through privatising assets and services is only part of the enclosure story in housing. Identifying *dispossession* requires us to look at how these policy interventions have worked together over time and across space to separate people, whether directly or indirectly, wholly or partially, from forms and spaces of commons embodied and built up within housing provision. In this respect, public housing in Britain has in many ways performed a

decommodifying role as *common property* helping to partially reverse enclosure in many cities. During its production phase, the local state purchased land for the public sector from private owners by using the collective sharing of risk across the population to borrow more cheaply from money markets, or offer attractive bonds to investors. Although rents were initially unaffordable to much of the working class, they became lower over time due to the pooling of historic costs of construction and borrowing into average rents across local areas. New public housing construction was in turn part-financed by the rental income generated by housing that had become debt-free (see Ambrose *et al.*, 2005). This economic protection against exploitation by capitalist landlords was reinforced by higher housing rights and regulations than the private market. Public housing provision also had a wider sphere of influence that parallels how common right supported the feudal village economy: by directly shielding millions of workers from the disciplinary role of rents and mortgages, and indirectly placing a dampening effect on market values, public housing reduced the social power of capital in the workplace. There are, of course, serious limitations and contradictions within public housing that undermine its 'commons', particularly in the top-down, paternalistic and bureaucratic treatment of tenants by municipal landlords (see Ward, 1974). Nevertheless, by returning to De Angelis's theory of enclosure we can see how the rights and provisioning attached to public housing, as well as rent controls and more secure tenancies in the private sector introduced in the 1960s and 1970s, provided people with a means of reproduction not directly dependent on wage labour, in class conflict and threatening accumulation. As Perelman (2000, p. 34) argues:

'... urban people still provide for themselves directly in a multitude of ways other than the growing of food. Depriving people of these means of provision forces a greater

dependence on the market just as surely as restricting their access to the means of food production.'

Overall, the neoliberal turn has led to a massive enclosure of the post-war protected public housing commons and has meant that for increasing numbers of people, access to housing is through private means (ownership or renting), which has in turn actively contributed to an affordable housing crisis caused by the basic contradiction between the quest for profits by both landowners and financiers, and the provision of housing that responds to real wages and incomes. As more households have been locked out of both public renting and home ownership, they have been displaced into the private rental market which has in turn been subject to further enclosure processes such as strengthening landlords' power to evict, the removal of rent controls and a succession of cuts to housing benefit. This is precisely what De Angelis means by the 'disciplinary integration' into the logic of accumulation that enclosure brings.

This *general dispossession* of the urban proletariat from forms of housing commons has also been accompanied by the *direct displacement* of people from their homes, communities and neighbourhoods, and thus their urban commons as conceptualised by Blomley (2008). This statement needs some qualification. The Right to Buy one's council home has, in the first instance, actually empowered individuals to gain legal possession of their rented home, at least as long as they keep up with their mortgage payments. Similarly, the transfer of council-owned housing to housing associations entails a change of landlord but does not ordinarily involve tenants losing their homes. Moreover, in contrast to the fate of commoners under the old enclosures, where direct displacement has occurred through demolition of either public or private housing, legal protections have provided both tenants and homeowners with a degree of financial compensation and rights to be

rehoused, although there has been plenty of evidence of abuse and injustice here. Understanding direct displacement, therefore, requires us to understand the dynamic market forces unleashed by enclosure and the subsequent efforts by the state to capture and accentuate these forces in order to 'regenerate' deprived inner-city areas (Smith, 2002). Writing about the impact of Thatcher's 1980 Right to Buy policy that enabled working-class tenants to buy their public rented home sold at large discounted prices, David Harvey (2003) argues that once the housing was transferred from public to private ownership and released into the capitalist property market, a dynamic process of further enclosure emerged:

'... housing speculation took over, particularly in prime central locations, eventually bribing, cajoling or forcing low-income populations out to the periphery in cities like London, and turning erstwhile working-class housing estates into centres of intense gentrification. The loss of affordable housing produced homelessness and social anomie in many urban neighbourhoods.' (p. 158)

The Right to Buy also incentivised those private sector landlords who had already gained a foothold on council estates through former tenants selling into the private market to invest in their own properties, leading to further displacement and dispossession of the estate's private sector tenants unable to afford the new higher rents, or directly displaced by the landlord who may no longer want them to live in the renovated property. To paraphrase Marx (1990 [1864], p. 899), the 'extra-economic' hand of the local state has enabled the 'silent compulsion' of market forces to rip through the urban commons, creating a vicious cycle of speculation, gentrification and displacement that Harvey outlined above. Under New Labour in particular, the 'bottom-up' processes of gentrification sparked by the Right to Buy were superseded (but not replaced) by top-down 'regeneration' schemes designed to

maximise the market potential of centrally located council estates in order to bring the 'benefits' of the city centre housing market boom while at the same time reinforce the values of that private housing market. By 'regeneration', I mean the use of state-led gentrification technologies designed to replace apparently 'obsolete' working-class housing (and its apparently 'obsolete' inhabitants) with new private housing developments attractive to middle-class households (Allen, 2008). This approach was pursued most clearly in Labour's Housing Market Renewal Pathfinder programme, launched in 2003. This identified specific urban areas of northern England, most famously Salford and Liverpool, as suffering from so-called 'housing market failure'—low or falling house prices, low demand and abandonment—caused by a chronic oversupply of downmarket working-class terraces and social housing that could only be solved by large-scale demolition and displacement—funded and facilitated by the state—so as to enable new private housing developments that would be attractive to a middle-class market (Finlay and Brown, 2011).

Capitalist subjectification

In many ways, urban privatisation and dispossession in the field of housing have also contributed to the spread of neoliberal *governmentality* (Lemke, 2001), that is, in helping to cultivate the conditions in which people become entrepreneurial, self-reliant, rational economic actors who actively support the priorities of capital accumulation and who are unwilling to resist or contest the way things are. The Right to Buy in particular played a decisive ideological role during the height of class conflict during the 1980s in three senses. First, it represented the vanguard policy of Thatcher's 'popular capitalism' mantra which aimed to widen property ownership and speculation to the working class, and legitimise dismantling the welfare state. Second, because it had a diluting effect

on council housing estates collectively trying to defend themselves. Third, because it brought a sizeable number of the working class into the more precarious world of home ownership and mortgage repayments, which had significant political implications:

‘Homeownership individualises the worker’s consumption of such a basic use value as shelter, and it saddles the working class mortgagor with a large, individual indebtedness to financial capital. Owner occupiers are not politically involved with the local authority as council tenants necessarily are, and they are not in a position to struggle collectively with landlords, public or private, unlike tenants.’ (Ginsburg, 1983, pp. 46–47)

At the urban political scale, the assault on council housing was a major governmentality weapon against local authorities who lost their best and most valuable housing assets while once popular inner-city mixed working-class communities increasingly became by-words for poor quality housing, unemployment, social ills and welfare dependency, ideologically reinforcing the privatisation momentum. These more organic processes of subjectification have been accompanied by successive waves of reforms aimed at introducing greater commercial disciplines, asset and risk management culture, market-type governance, private sector organisational and management practices, and more competition between providers into the whole of the social rented sector largely modelled on New Public Management (NPM) techniques (Walker, 2001). If social housing providers have been forced to internalise the value practice of markets, competitiveness, commercialism, corporate management and profit-making, on the consumption side, the state has sought to shift the role of tenants from passive recipients of social housing albeit within a representative democracy to ‘a more consumerist orientation, in which the individual rights and responsibilities of tenants are emphasised ... increasingly as

individuals’ (Malpass and Victory, 2010, p. 13). This has been pursued through several, overlapping policies. One is the creation of official ‘tenant participation’ processes in which involvement is mainly limited to ‘rating’ the performance of landlords in narrowly defined surveys. Another is the policy of ‘Choice-Based Lettings’ in which tenants and potential tenants, not housing managers or councillors, supposedly ‘choose’ where they would like to live from the available lettings. In reality, there is no ‘choice’ because of the scarcity of social housing available and because the criteria used to allocate that scarce housing rest on how many ‘points’ they have accrued through their particular personal circumstances. However, the purpose seems to be to create a process in which tenants learn to both ‘compete’ with and to ‘resent’ those less fortunate than themselves, as well as to identify to the local authority which areas or types of property they would never choose to live, providing more ammunition for privatisation and dispossession in the future. Linked to this is the national rent restructuring regime, which since 2002 has aimed to harmonise council and RSL rents within a single rent-setting approach based on property size, value and local earnings, and an annual above inflation increase. The purpose, apart from increasing council housing rents, has been to create a more market-like structure in which, according to a former Housing Minister, tenants can act as more discerning consumers, choosing ‘whether to pay more for a better property or to save money by choosing a less popular property’ (Sally Keeble MP cited in Wilson, 2012, p. 2).

Conclusion: from urban enclosure to urban commons?

Returning to the original intention of this paper, I have attempted to bring together theories of primitive accumulation and enclosure and explore how they relate to and make

sense of the ‘new urban enclosures’ puncturing the neoliberal city today. Following the work of David Harvey and Massimo De Angelis amongst others, my argument, in short, is that the nature and purpose of urban enclosure today is not reducible to Marx’s original thesis of primitive accumulation—the ‘separation of producers from their means of production’—but encompasses a much wider, multidimensional process aimed at finding new urban outlets for capital accumulation, controlling the use and exchange value of urban space or shutting down access to any urban space or sociality—commons—that offers a means of reproduction and challenging capitalist social relations. These enclosure processes take three main forms—*privatisation*, *dispossession* and *capitalist subjectification*. Through this lens, I have explained how housing privatisation has played a fundamental role in ‘accumulation by dispossession’ and urban enclosure strategies over the past four decades, dispossessing society of its main decommodified housing alternative to the market while displacing countless households from their homes and communities, and bringing neoliberal governmentality into the day-to-day production and consumption of housing.

If these reflections appear anything but optimistic, we can find comfort in De Angelis’s assertion that enclosure is a response to crisis and crisis is a result of class struggle (2007). In other words, capital must enclose because we are continuously resisting and moving outside its logic, something we have been doing throughout the history of enclosure (see Linebaugh, 2008; Neeson, 1996 [1993]). Daily life in cities across the world is brimming with grassroots resistance to the new urban enclosures (see Porter and Shaw, 2009). Inevitably, anti-enclosure struggles are often defensive and reactive, defending the status quo without advocating a positive alternative that can unite a community *beyond* opposition. However, this is not necessarily a bad thing. As John Holloway argues in his recent book, *Crack Capitalism*,

we should not lose sight of the power we command when we resist, when we say ‘no’, when we look for ‘cracks’:

‘The method of the crack is the method of crisis: we wish to understand the wall not from its solidity but from its cracks; we wish to understand capitalism not as domination, but from the perspective of its crisis, its contradictions, its weaknesses, and we want to understand how *we ourselves are those contradictions*.’ (Holloway, 2010, p. 9, my emphasis)

As I have written elsewhere (Hodkinson, 2011), the inherent structural weaknesses of policies to privatise housing or gentrify neighbourhoods are almost always embodied within the specific community under threat (whether tenants, homeowners, traders, small retailers) and specifically in their power to ‘delay’ through multiple tactics from the mundane to the spectacular. Each delay creates new costs and new risks and uncertainties, not only hitting the financing of schemes but also radically altering the context in which enclosure is being pursued, downgrading its expected profitability and making it seem far less desirable to its protagonists and backers. The community’s power of delay holds true in any regeneration scheme, regardless of how it is financed. It shows the importance not only of building a militant campaign and fighting schemes all the way, but also of demanding to be heard, recognised and involved in the regeneration process which simultaneously opens it up and slows it down, while unearthing a huge amount of information that will help the struggle. The power of delay, ultimately, can generate bargaining power with the community able to intensify or scale down their delaying tactics in return for concessions, creating a crack in what was previously a brick wall for people to make demands for what they want.

One major weakness of the ‘delay’ strategy is that, more often than not, even if the bargaining chip can be cashed in, the outcome will not radically change, and all out

opposition remains the only course of action. This is not a problem when contesting mega-developments designed to erase neighbourhoods and public space; but it is a problem where, despite the threat of privatisation or displacement, much-needed investment in crumbling urban and housing infrastructures is on offer and will be withdrawn and be unlikely to reappear should the resistance succeed. This perennial dilemma for urban social movements underscores my own conviction that the only way to contest the new urban enclosures is through the production and reproduction of *urban commons* (see Chatterton, 2010). Urban commons can take many different forms, but they are ultimately alternative forms of sociality that protect us against enclosure and market forces, enabling us to survive independently or with degrees of independence from wage labour. What underpins the protective shield of urban commons, moreover, are alternative social relations based on what Linebaugh (2008) has termed 'commoning', where individual interests and differences are articulated into common interests and people produce to share and share what they produce. Space does not permit a comprehensive articulation here, but at its core urban commons might rest on three fundamental principles of city life: the first is that a city constitutes a shared 'resource-pool' to which everyone has equal access and right and should not be privatised; secondly, the city is also 'public sphere' based on human interaction, interdependence and cooperation from which no one should be excluded; and third, the collective ownership claim of an existing community over their place of residence, neighbourhood and locality generates a fundamental 'right to stay put' (Hartman, 2002 [1984]) that supersedes the right of the property owner to displace them. This speaks of what Lefebvre (1968) sketched out as 'the right to the city', and as Harvey (2008) has argued, what this means at its core is the collective power of the masses, not the elites, to shape and control the processes of urbanisation. This collective power could, following

Purcell (2002), involve two fundamental rights for urban dwellers: the right to participate directly in all decisions that produce urban space (whether perceived space, conceived space or lived space) in their city; and the right to appropriation, that is, to physically access, occupy and use urban space, including the right to produce new urban space to meet the needs of inhabitants. When combined, these rights mean that use value, and not exchange value, becomes the primary criterion by which urban space is produced. However, although this sketched outline of urban commons might seem attractive, the question remains as to how we might achieve this vision. I can't do justice to it here, but I hope that this might stimulate others to respond and generate new debates in *City* in the near future.

Note

- 1 For example, Hollowell (2000, p. 6) argues that the legal basis of many major landowners' holdings enclosed earlier by informal means was tenuous to say the least, and so they often deliberately orchestrated in collusion with a fake plaintiff a legal challenge to his land ownership claim that would collapse due to the failure of the plaintiff's witnesses to appear, thus legally establishing the landowner's title beyond future dispute.

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