

“Theorizing the Politics of ‘Common Ground:’” J.
Edward Chamberlin’s *If This Is Your Land, Where Are Your
Stories? Finding Common Ground*

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It is an honour and a privilege to participate in the inaugural “Author Meets Critics” Panel for the Canadian Association of Commonwealth Literature and Language Studies,* especially to consider the work of such a fine and dedicated scholar as J. Edward Chamberlin. His commitment to Aboriginal and social justice issues is considerable, and it is in the spirit and seriousness of his dedication that I have taken up the invitation to think through the complexities and political issues raised by this work.

The publication of Chamberlin’s enormously provocative book, *If This is Your Land, Where are Your Stories? Finding Common Ground*, provides an occasion for reflecting on the relationship of law and literature to postcolonial analysis. The symbolic and political questioning of the book’s title engages a number of fundamental concerns about colonial policies of land and cultural appropriation, thus urging us to ask, “whose land, whose stories, whose common ground?”; yet, its subtitle also gestures to a subsequent set of nested issues within which the equally urgent problem of “finding common ground” arises. That is, Chamberlin asks us implicitly to assess the interlocking factors that create our contemporary postcolonial moment in order to consider what forms of colonial administration, currently underway, have made determinations of “common ground” politically normative yet increasingly problematic. As Chamberlin demonstrates, the institutional arrangement of “common ground” occurs within a socio-legal framework in which the prevalence of legal decisions directed towards Gitksan and Mohawk land claims (20, 49), Indian removals through Allotment Policies (40), and blockades to protest the abrogation of Aboriginal homelands (62), achieve a two-fold process of cultural mediation. On the one hand, colonial governments move with expediency to “settle” land claims disputes in order to resolve through colonial-administrative means vital questions of “land,” “labour,” and “title to property” (12); on the other, legal storytelling renders suspect the potential achievements of these judgements which situate indigenous peoples’ concerns under the “tin ear” of Western legal practices (20). According to Chamberlin, these contradictions represent not only the “reality of our lives,” a reality that is “inseparable from the ways in which

we imagine it” (2). They also mark “the power and paradox of stories” which provide the “common ground” for “ceremonies of belief” that enable us to imagine a “place where what we have in common is neither true nor untrue, a place where we come together in agreement not about what to believe but about what it is to believe” (240). For Chamberlin, “On common ground” answers the question posed by the title’s symbolic demand: “‘If this is your land, where are your stories?’ On common ground” (240).

Because the text argues so persuasively for a belief in “common ground” such that “our very lives depend” on our ability “to understand that it is in the act of believing in these stories and ceremonies [...] that we come together, and that this act of believing can provide the common ground across cultures that we long for” (224), I would like to offer an additional interpretation of the “power and paradox of stories” to engender new understandings of “conflicts over land [...] of the way in which we divide up the world into Them and Us”(239). This story also powerfully ushered in “ceremonies of belief” that gave “shape and meaning” to a “set of habits and values to which all members adhere[d]” (2, 12). The story, entitled “The Tragedy of the Commons,” bears the elements of human drama, sorrowful character development, and disastrous conclusion that we’ve come to associate with powerful literature. It was first narrated in 1968 on the occasion of the United Nations Declaration of Human Rights, which enshrined in Article 14 the family as “the natural and fundamental unit of society,” and determined that “any choice and decision with regard to the size of the family must irrevocably rest with the family itself, and cannot be made by anyone else” (Hardin 1246). The “Tragedy of the Commons” appeared as a cautionary tale delivered by Garrett Hardin in an address before the Pacific Division of the American Association for the Advancement of Science. I wish to consider it here not only for its staging of an inexorable developmental logic of progressive idealism that underwrote the United Nations Declaration of Human Rights which, Hardin feared, would lead to the devastation of social and environmental systems through “the misery of overpopulation” (1248), but also because it bears the mark of the “Them/Us” binary logic that Chamberlin, through his call for “common ground,” is at pains to redress. The tragic in Hardin’s vision assumes not so much “the essence of dramatic tragedy, as in unhappiness, [but rather] resides [in the rationale, objective, and therefore more real] solemnity of the remorseless working of things” (A.N. Whitehead quoted in Hardin 1244). That is, what is tragic in the following representation of human social relationships is the “natural,” “inherent” and utterly predictable human force of these exploitative bonds which, for Hardin, lead to their inevitability. “The tragedy of the commons,” according to Hardin, “develops in this way”:

Picture a pasture open to all. It is to be expected that each herdsman will try to keep as many cattle as possible on the commons. Such an arrangement may work reasonably satisfactorily for centuries because tribal wars,

poaching, and disease keep the numbers of both man and beast well below the carrying capacity of the land. Finally, however, comes the day of reckoning, that is, the day when the long-desired goal of social stability becomes a reality. At this point, the inherent logic of the commons remorselessly generates tragedy. As a rational being, each herdsman seeks to maximize his gain. Explicitly or implicitly, more or less consciously, he asks, "What is the utility *to me* of adding one more animal to my herd?" This utility has one negative and one positive component. **1.** The positive component is a function of the increment of one animal. Since the herdsman receives all the proceeds from the sale of the additional animal, the positive utility is nearly + 1. **2.** The negative component is a function of the additional overgrazing created by one more animal. Since, however, the effects of overgrazing are shared by all the herdsmen, the negative utility for any particular decision-making herdsman is only a fraction of - 1. Adding together the component partial utilities, the rational herdsman concludes that the only sensible course for him to pursue is to add another animal to his herd. And another.... But this is the conclusion reached by each and every rational herdsman sharing a commons. Therein is the tragedy. Each man is locked into a system that compels him to increase his herd without limit—in a world that is limited. Ruin is the destination toward which all men rush, each pursuing his own best interest in a society that believes in the freedom of the commons. Freedom in a commons brings ruin to all. (1244)

Hardin's grim tale of the "Tragedy of the Commons," in which the self-interested individual pursues his gains at the expense of the welfare of nature and society to the detriment of all, will be familiar to most of us as a foundational narrative in the cultural logic of political economy. It is also recognizable, in Chamberlin's terms, as a tale both "contradictory [in] character" and "nest[ed] in contradictions," a tale that "brings imagination and reality together" to establish "what we might well call faith" (3). Its most striking feature, however, is its vision of human nature which legitimates state forms of social control that bind people together against their inherent self-interests in order to mediate the disparities between human will, a finite world system, and common property. Lest we think that this story has limited popular appeal, emerging as it does from anxieties about the instantiation of progressive rights for Third World countries through international support for the law-making capacity of the United Nations, we need to recall that the "tragedy of the commons" not only underpins the rationale for private property rights protected by the Western legal system (Waldron 11), but that it also provides the justification for the economic model of development and political modernity that supports supranational organizations such as the World Bank, the World Trade Organization, the UN-Environment Programme, and the World Resources Institute in their efforts to bring development to the "global commons" (Goldman 2). As Michael Goldman argues in "Customs in Common": The Epistemic World of the Commons Scholars, "the commons debate is worth mining not for insights into strategies for improving social and ecological conditions (however meaningful these strategies may be to differing interests) but for explanations of new forms of social control that can lead to intensified

exploitation of all forms of nature, human and non-human. In other words, this body of literature can best teach us about ‘the commons project’ as a hidden and not-so-hidden institution of domination and imperialism in North-South relations” (3).

Why might this story be important to consider in light of Chamberlin’s ambition to “give the reader a sense of how important it is to come together in a new understanding of the power and paradox of stories” (239)? In a world divided by global economic forces, the idea of common ground that Chamberlin advocates represents a metaphor for staging human social relations that arguably no longer exists. Both the ideological and material terrain of common ground has been overtaken by what Michael Goldman defines as the “competitive logic” of “global resource managers” who “construct a world of values and property relations that befits an imagined reality,” a reality that “agree[s] to definition[s] of property [...] however far removed these definitions are from the irreducible material activities of resource-dependent communities” (13). Missing from the political landscape of the “world watchers” that Goldman identifies, for whom “the commons is neither an isolated pasture nor a continent’s capacity to produce food [...] [but rather] a set of global commons whose degradation threatens to imperil all life on earth” (13), are the subjects of Chamberlin’s embracing politics—the Gitksan Elders citing ceremonial evidence, nomadic cowboys fenced in by barbed-wire property lines, and the San Bushmen of South Africa establishing a homeland in the Northern Cape.

Although these examples may represent “stories that [...] help us all” (107), they also provide powerful reminders of the “epistemic violence” represented by “an alien legal system masquerading as law [...], an alien ideology established as only truth, and a set of human sciences busy establishing the ‘native’ as self-consolidating Other” (Spivak 130). Noting the paradigm shift that works hand-in-hand with reimagining the global commons according to the logic of Western development through “the globalization of law,” Upendra Baxi identifies what is at stake for autonomous communities brought within the purview of postcolonial legal regimes. He writes, “If self-determination was the signature of postcolonial legality, the globalization of law calibrates the postcolonial states and law to the carnival of global capital in its myriad forms. International financial capital, lethal multinationals (the Bhopal catastrophe remains an archetype), regimes of supranational institutions, international and regional, all combine to escalate networks of power constituting the new global ruling class” (552). For Baxi, the postcolonial “masquerade” of law, in its global reach, reinforces the project of self-consolidation that Gayatri Spivak concretized as “sovereign subject[s]” defining “colonies as ‘Others’ [...] for purposes of administration and expansion of markets” (128).

If I appear to be assembling my own tragic vision of global social relations as a counter-point to the idealism and belief in common ground for restructuring social relations represented by Chamberlin’s text, I have

done so to take seriously Chamberlin's claim that, "We need to understand because our lives depend upon it" (224). What I would argue for instead of the metaphor of "common ground" is a return to the postcolonial-feminist politics of solidarity that are structured through recognition of the socially and politically disadvantaged communities to which Chamberlin's book draws our attention. The political vision of this alliance would begin from the postcolonial standpoint of the concrete other, an other made destitute "in sexist, racist and class societies" where "women, persons of color, the poor and other dominated persons" are widely recognized as having "disadvantaged position[s] with respect to the socio-cultural means of interpretation and communication" (Fraser 425). By taking into account the recognition "that dominant and subordinate groups stand in different and unequal relations to the means of interpretation and communication" (426), as socialist-feminist critics such as Nancy Fraser have urged us to, we begin from a postcolonial-feminist praxis that shifts our political standpoint from a "monological model of moral deliberation" to a "dialogical model" in "favour of the concrete other" (426). This conceptualization of the concrete other, as Nancy Fraser contends, would not privilege the standpoint of the "*individualized concrete other*" (427), but rather would "focalize the dimension of the relational concept of identity" to interpret the "standpoint of the collective *concrete other*" (428). Such a shift in focus, in Fraser's view, would bring to our attention a "standpoint that require[s] one to relate to people as members of collectivities or social groups with specific cultures, histories, social practices, values, habits, forms of life, vocabularies of self-interpretation and narrative traditions" (428), as well as establish among these collectivities "norms of collective solidarities" that are not only "those of formal institutions such as rights and entitlements" but that also provide "new vocabularies and narrative forms capable of giving voice to many different kinds of [people]" (429, 428). Such a vision of feminist solidarity is well within the vision articulated by Chamberlin's text and resonant with the urgency of his ethical call for the constitution of "a new story and a new society" (231).

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