

RAINER RILLING

BEYOND THE CRISIS: EMPOWERING THE PUBLIC!

For decades now privatisation has been a part of the everyday practice of economic and property policy. Its analysis and critique have become established and substantial, and they show that the promises of neoliberal privatisation policy in terms of de-bureaucratisation, increase in efficiency, cost savings or price reduction and decentralisation or even democratisation have not been fulfilled; instead there is a multitude of problematic consequences, such as de-democratisation or growing inequality. The world economic crisis of 2008/2009 makes clear this policy's enormous potential for crisis. However, if alternatives are at issue, then the uncertainty is considerable. What concepts can be used to embrace these alternatives? For if we do not succeed in holding up a publicly effective counter-concept to the «private» and to «privatisation», and in so doing create a conceptual-political contrasting point of identification to the rhetoric and politics of the private, opposition to the politics of privatisation will lack precision, vision and the power of political persuasion and mobilisation. It is especially necessary to develop a precise conception of how to shape reality, that is a conception which is able to introduce concrete political changes in the institutional and regulatory orders of the economy, which represent a real and differentiated alternative to the world of the private, which has arisen almost everywhere in the last three decades.

POLITICAL DISCOURSE ALTERNATIVES TO PRIVATISATION – THE «COMMONS» OR ...

It is especially in the English-speaking countries in recent years that the concepts of the *commons* (common property or goods) or of the *common* (the collective,) has become widespread and has increasingly played such a role, that is, of a precise conception that represents a real and differentiated alternative to the private. The «commons» refers to natural goods and material resources (water, fish stocks, raw materials, forests, soil, air, wildlife stocks) that are owned, shared and used in common, or also to common social and cultural resources (geo-

graphic spaces, knowledge, ideas, traditions). Commons means the *public sphere* (public communication and discourse, media, publicity, public opinion – in German «Öffentlichkeit»); it means *public space*, which everyone has the right freely to enter or use for various purposes; it means *public domain* (as space open to activity and therefore use, which is not protected by legal forms like copyright regulations – in jurisprudence and judiciary systems it is treated as a rule as a vague residual category); it means *public goods, common resources, network goods or gift economies*; it means common governance, use or appropriation on the basis of *common property* and other forms of property; finally, it means a culture and economy of *communi-care, of doing together, sharing, communication and also of caring about that which is collective*. The *commons* thus stands for the many facets of an economy and culture other than the political economy of the private. The political strength of this concept is this multiplicity and the level of immediate comprehensibility related to everyday experiences and practices. The concept stresses «sharing» or «having a share in» and invokes at the same time the «common» and the «general interest»: it is a matter of goods and resources, whose use (use-value), maintenance and perhaps even possession are shared by people in their common interest and to which they accordingly have common access (Ostrom/Laerhoven 2007; Rilling 2001; 2005; Rössler 2001). Although, in the use of the conception of the *commons* the allusion to the changes in property relations at the beginning of the development of private capitalist land ownership is intentional (Zückert, 2003), with a simultaneous invocation of the abiding factors of (forcible) expropriation and subjectivisation, the very strained reference to the German historical concept corresponding to *commons* – the «Allmende» – has not gained, in contemporary European and German discourse politics, acceptance as a modern counter-concept to privatisation. Working to adopt the English concept in the German language seems more promising. Putting, in its place, the strategic goal simply of *state-ownership* or the *cooperative character* of goods, services and enterprises is problematic for various reasons: state enterprises,

as state-capitalist firms, follow in all of their rules (and often less «efficiently») the same or similar maxims of profit maximisation as do private enterprises, so that the qualitative difference is not apparent. The state as an institutional form of the political can convey diverse economic aims and social relations, so that nationalisations of enterprises can perfectly well express a policy of the private appropriation of social wealth by the political class. What is decisive is which economic objectives and rules the movement and transformations of property have followed, and how these are politically organised. Few regard the history of state-socialist economies as a concrete alternative to be taken up again. In addition, the widespread mistrust of state action with an authoritarian character and of bureaucratic-state «solutions» has led, in large sections of the population, to a justifiable anti-statism, which does not see the state as a solution but as the problem. The propaganda of neoliberal market radicalism has also left deep marks here. Last but not least, the state-organised goods and services for health, education, public supplies or information (libraries, internet infrastructure) are in the meanwhile often in a miserable condition. From this there arises a «division of labour» in which in the age of skimping on «basic provisions» and «basic insurance» the state is responsible for low-value goods and services while all further goods and services which open up life possibilities for people and are therefore seen as of higher quality are produced and appropriated in a private form. This distinction leads to the equating of state-ownership and -management with poverty and of the private with wealth. State-run entities are scorned, the private respected. The private is seen as having good prospects, state-orientation as something to be overcome. Thus the confrontation with neoliberal privatisation has on the whole produced up to now no consensus on an alternative concept nor on a terminology that is promising in terms of political discourse.

... THE «PUBLIC»?

Behind the population's high degree of acceptance – by now in the present crisis very widespread – of state action and of the unprecedented interventions into the relations of property which already developed by the middle of the current decade, there is clearly a double understanding of the state. On the one hand, state and state-ownership signify a medium for the reconstruction and continuation of neoliberally constituted relations of capital and of the relations of commodification and financialisation (thus of the generalisation of the market, of market rationale and of the dominance of the financial markets), however modified the latter may be. On the other hand, the state's new activism is seen at least as a potential alternative to the privatisation of the economy and of the social, that is as a societal and political opening to another developmental path of capitalism and even beyond it. Around these understandings *struggles* are taking place – in the deep crisis of financial-market driven capitalism the societal confrontation over the private has shifted and now occurs almost in the space of its formal antipode, that is in the state. In this struggle different conceptions of the state are put forward and fought out. In the end not only the economic order but also the structure and space of the political has been altered. The development and political presentation of a left state project is therefore of central importance for the left.

Furthermore, since the political is not limited to the state and the confrontation around the politics of privatisation does not take place only through the medium of the state, we propose examining whether precisely in the situation of the crisis the concept of the *public* cannot play a political-discourse role going beyond the rhetoric of the state and nationalisation, a role that can create connections between state and society, through which a social-political project can be organised as an alternative to the politics of privatisation – also incidentally through the concretising of a new, left understanding of the state. The essential basis for this supposition is that the concept of the public obviously has not only a clear presence in everyday consciousness but also was and is one of the «great dichotomies» of Western thought, in the words of Norberto Bobbio. It therefore exhibits a history of considerably changing meanings that makes it possible to formulate through the semantics of the public central moments of the political. However, this history is at the same time a reservoir for misgivings regarding such a proposal, which has to be cautiously explored.

The «public» (in German das «Öffentliche») is much more than «publicity» (in German «Öffentlichkeit») which is mostly identified with the space of the media. It appears as the distinguishing descriptive adjective of very diverse circumstances and entities: *goods, provision of basic public services, property, enterprises, employment, spaces, communication, power, interests, decisions* are constantly embellished with the epithet «public» in everyday discourse. There is even talk of life itself – of «public life». With this language, however, we have landed right in the midst of *politics*; it is especially around the circumstances and entities mentioned here that there is political contestation, and «public» functions as the antipode of «private» when it is a question of political conflicts over public goods, public services of general interest, public property, public and publicly promoted employment, the public sector or public service, public authority, public interest, public spaces, public opinion or conflicts over public participation in decisions. *No other term exhibits a comparable variety of uses that attempt to stake out a difference in distinction to the «private».* Knowing as we do that formerly private goods, enterprises, services, areas and sectors of employment or spaces were given, in the course of ongoing political struggles, an extensive public character and that this process could be reversed relatively quickly (as the last quarter of a century showed), we can see that societal constellations of forces and political confrontations, and not, as it were, physical or material attributes, are what decide the public or private character of the goods, etc.. «Private» and «public» are social categories.

HISTORY AND CONTENT OF THE IDEA

The great variety of applications reflects the history of the term, which underwent a series of shifts and transformations of content, still operative today (Rinken, 1988, 2002); Weintraub 1997).

– While in ancient Greece a distinction was made between the private sphere of the household (family, home, home life and economy) and the public life of the polis, for the Roman tradition the sovereignty of the imperial ruler or the authority of the representatives of the republic was the «public» (*publicus*) in contrast to the «house» as the space of the private (*privatus*) (Hölscher, 1978).

- In its original meaning the «public» designated a condition of actually being open in the sense of *observableness* or *accessibility*. Its opposite was secrecy, inaccessibility, the hidden. From this a further meaning arose: *What is public is also true and therefore also just; where there is nothing to hide, things are right and in good order*. If the judiciary is public, things are right.
- In the 17th century the word additionally acquires the content of the adjective *common* (Greek *koinos*, Latin *communis*) and hence the normative component of meaning coming from political thought, which defines the political commonweal according to its *orientation to the common good* («public good», «public usefulness», «public security», «public order»). Public is thus tied to a positively connoted orientation to the common good with reference to the *salus publica* (good order, lit. «public health»).
- In the 18th century there is a third shift in meaning: the concept of the «Gemein» (the common), as the germanising of the Latin *publicus*, is displaced by «das Öffentliche» precisely at the time in which «publicus» takes on the meaning of *state / government*. Public now essentially means *state*, (factory) production becomes the domain of private ownership, and in place of the «secret» it is the private that now becomes the contrasting concept.
- This point also marks the beginning of the special history of the noun *Öffentlichkeit*: as the translation of the foreign word «publicity» it again takes on the original meaning of «public» and thus means «being open» and accessibility. This classical meaning also connotes the demand for openness of state life: *Öffentlichkeit* should guarantee justice and truth. Kant developed a procedural theory of democracy or law, in which the publicity principle plays a key role («All actions relating to the rights of other human beings are wrong if their maxim is incompatible with publicity»). Self-legislation, proceduralism and publicity go together.
- In the course of the 19th century, the term finally acquires the meaning of «the public», and now the history of *public opinion* begins and of the liberal model according to which the bourgeois public sphere is the sphere of private people who in the aggregate become the public, and from whose discourse arises the will of the individual and the reason of all, both now narrowly reduced to bourgeois liberal parliamentarianism. Discursive procedure generates democratic legitimation, and the *bonum commune*, the common good, is supposed to emerge from discourse.
- *Öffentlichkeit* is seen as the eminent political medium that is able «to unite what is different without assimilation» (Habermas). In the last century, *Öffentlichkeit* differentiated itself into many socially specific variants of partial social spheres (Teilöffentlichkeiten), which follow their own preferences. However, superimposed over this is the massive presence of the public sphere that is mediated by the mass media, in the face of which references to the public conspicuously recede

The present deployment of the term «public» reflects these shifts. Thus «public» nowadays invokes primarily at least *four areas of meaning*: it means the *non-secret*, the accessible

and transparent, it indicates an orientation to the *common good* (which means the general interest), it stands for the *state/government* part of political relations (the statehood – in German «Staatlichkeit»), and finally, as «Öffentlichkeit» it means *publicity* and *public opinion* communicated by the media. Each of these meanings covers a large range of meanings and includes ideological veils or even estrangements in complete reversal of the former content. They did not disappear into the rubble of history but continue to have effect. In addition they reflect the social content or interests and mediations that are at any one time hegemonic in society as well as the many economic determinations which, «in the final instance» (Engels) dominate. Municipal – that is public – property, for example, was historically at first an attempt by the urban liberal bourgeoisie to secure the infrastructure maintenance of local private capital (energy, transportation, water, waste, etc.) and had nothing to do with public services, which came to the fore only in the 1920s under the banner of municipal social policy and which reflected the interests of the working class and lower middle strata (Kahrs, 2006). Whether the manifold spaces of societal or individual practice are contested, and to what extent they are defined as private or public, is itself a constantly regenerated result of the antagonism between such interests and their positioning within the field of power. The differentiation between public and private is therefore one of the most fundamental distinctions of social life and at the same time one of the most unstable and uncertain, behind which there are no lasting constants, but which itself is durable as long as the ruling constellations of the present bourgeois-capitalist society are present.

WHAT IS «PUBLIC» IN CONTRAST TO PRIVATE?

It is a connection (a relation) between protagonists, which, going beyond the private and individual, takes into consideration the *other* and finally the *general* (the common) as well. It is a space of discussion and action which society always enters, as a basis on which not only private interests are pursued, but also those of others, and consequently something that is societally common or general can become accessible and emerge through co-partnership – which in the last analysis means: *Öffentlichkeit* in the sense it is used in the Basic Law is the «people» in its manifold and contradictory societal reality. The *Öffentliche*, as a societal and political form of motion, is an operation of *opening* and *enlargement*, and it forms the condition of openness, thus of accessibility – however far it goes and however many people it affects. The control of accessibility is shared. To this extent, the *Öffentliche* essentially opens the way (in cases of doubt as a safeguard and right) to moments of *equality*, *free use* (consumption), *communication* or of *free cooperation* and, accordingly, (political) participation (access) as well. At the same time, however, it is a locus of negotiating social contradictions of interest, and is marked by diverse, partly opposing tendencies, which can be attributed to the presence of the private, and which in the end perforce contain moments of inequality through closing off access and through exclusion as well as moments of hierarchical interaction. In the bourgeois society, public and private mutually presuppose each other, exclude each other and mutually reproduce the other's existence.

The private/public distinction is related to two dimensions which (since they are closely intermeshed) frequently cannot be kept apart. On the one hand, politics and economy, state and market, public or private power, public authority (the state), public funds and private capital stand opposed to each other. It is a matter here of the public represented, and at the same time incorporated, by the state as *the general* in contrast to the *particular* of the private form of the economy and of the market. On the other hand, there is the dimension of private life (for example the family and household) – in which the worlds of feeling, intimacy, protected spaces, of private conversation and private expression of opinion, but also the «secret» and hidden, exist – is contrasted to public life, public space, ideally with general transparency and access, without sanctions, and the public sphere as an arena of communication in which the world and the private of the many and of society are made public (public opinion, publicity, space for self-representation and manifestation) and in which private people gather as the public in order to exchange their reasoning through communication (Henning, 2007; Rinke, 2002; Brendgens, 2005; Habermas, 2004). As members of the civic society we all exist not only as public but also as private persons and find this to be a good and necessary thing, worthy of being protected.

PUBLIC AND PRIVATE: INTERRELATIONS

In both dimensions the opposed moments have to affect each other: the public is also privatised and the private is made public – a reciprocity obtaining in both dimensions. To this extent the strict distinction between «private» and «public» has long since been weakened (but it continues to have effect). It is therefore not only a question that the state with its well-honed surveillance and investigative practice notoriously bursts through ever more defensive barriers of private life and is tending to the totalisation of the state/public, while well-heeled private people actually appropriate public spaces or subject the media public space to the code of market dependency. The multiplicity of relations between public and private also crystallise into many hybrid forms, which makes it hard to ascertain which side is dominating at any particular time: Private people finance public goods and provide public services of general interest or deliver «military security», or fix, as do societies for musical performing and reproduction rights, the commodification and valorisation and public use of music or lyrics, establish, as does the Internet Engineering Task Force (IETF) or the ICANN, the mode of operation of the internet down to the smallest detail, or evaluate, as do the handful of globally active private ratings agencies, the credit-worthiness of private as well as public actors on the financial markets. The procedures of numerous international regulations of investments, competitive conditions, taxes, security standards or industrial relations are by now extensively dominated by private capital actors and their agents. State-established law is substituted by law that comes from private contracts and *soft law* (codices, guidelines, norms, standards) (Picciotto, 2007). Public enterprises, on the other hand, produce, as *global players*, exclusively or overwhelmingly for profit (for example, municipal public utility companies) and have largely

abandoned their common-good orientation. However, regardless which of these relations we look at, the dominance of the private is still unbroken.

The powerful hegemony of the private, as the liberal market radicalism of the last three decades has built it, led to an unparalleled *enclosure* and *crowding* out of public goods and public provision of general services, of public property, of the public sector, of public service, of public spaces and of public media. «The public should be public», insisted Welcker, one of the founding fathers of German liberalism (Welcker, 1864, p. 744). This is increasingly less so: the use of public goods and services is becoming dependent on purchasing power, and provisions of basic services are becoming financial-market controlled; the remaining public property operates without restraint according to the normal standard of private profit calculation, and the meagre public spaces are mutating to advertising markets emptied of possibilities for human empowerment. In the Federal Republic of Germany's public services the number of employed sank between 1991 and 2006 by over 2 million. State expenditure on personnel has sunk from 8.8 % of gross national product (1991) to 6.9 % (2007); in the EU this percentage was 10.5 % in 2007. Public gross investments as percentage of gross national product decreased from 2.8 % (1992) to 1.5 % (2007). In the EU 27, this share is 2.6 %. The quantity of state capital active in the financial system and in some areas of infrastructure (postal service, telecommunications, traffic, logistics, education and science, the social welfare services) has shrunk drastically (Landefeld, 2008) and has in fact thrown overboard any remaining public quality that could reflect the interests of the subaltern. In addition, and importantly, the public in «public authority» is disappearing: «It is public as in authority entrusted by the people and responsible to the people. It is public since its constitution, legitimation, and control require public *procedure* ... Finally, it is public since its responsibility to the common good lends it ... a particular legitimacy» (Rinke, 2002, 44, my emphasis). Each of these three moments, which are central for the quality of politics, has by now shifted massively in the direction of the private and particular. The privatisation of individual functions, sectors and apparatuses of public authority, widespread since the 1980s, has severely undermined the principle of equal treatment for each citizen, since it in many cases had to compete with the principle of treating a customer according to his purchasing power.

The hegemony of the private has thus not so much *substituted* private for public values, but markedly changed that which still remains of the public by largely forcing upon it its market mode of operation and thinking as goals and values. It is by now a common practice to arrange exclusion from public services through fees, so that only those who at least share in the costs may use public goods and services, such as education or culture, or can enjoy public property like parks, lakes and beaches or museums or can gain access to public spaces with a high use-value (transportation systems). In the language of property theory: public goods are transformed into club goods, which are no longer openly (that is, freely) accessible and usable and thus begin to promote effects of inequality and lose their welfare functions. Even the state, which can be seen not only as an condensation of societal and also of political

relations of forces but is the most important concretisation and condensation of the public as well, is marketed, and its liberal-democratic institutions (parliament, judiciary, political infrastructures) are permeated by ever more private arrangements (for example, concealment, transference of sovereign to private functions, outsourcing, commercialising. *In short, the public itself became privatised and, out of the functioning world of the private, has built into its modus operandi the systematic production of social and political inequality and exclusion. The general (common) becomes powerless.* Its power of discrimination, thus its control over the distinction between private / non-private, over the borders of the public or private, and hence over the capacity to decide on inclusion or exclusion, has been relativised, weakened, or has even completely disappeared. This means nothing less than the disappearance of the claims – traditionally based on public property and public authority – to political, individual and social *sovereignty* of use and the political's monopoly of command. The agreeable side effect, from the view point of the market citizen, is the de-politicisation of the public, since the public now primarily follows economic maxims. The present crisis of the politics of privatisation has, for example, led in the Federal Republic to an incipient process of re-municipalisation in which the return to public property, however, now by no means excludes the use of market-shaped mechanisms, but in the understanding of many involved protagonists actually presupposes them in order to assert itself in a profit-oriented economic environment. Here it is seen that the «public» itself includes a broad range of the most varied forms of marketisation and (re-) municipalisation without a developed target concept of the «common» or of the «public» being in any way automatically perceivable. Although the cities and townships can regain influence on municipal enterprises through re-municipalisation, how far this goes beyond the business-administration and market-oriented logic borrowed from the «private» realm and actually assumes another «public» character which allows for other interests and needs, depends on the concrete orientation, economic shaping and participatory organisation or governance of a municipal undertaking. If it is to be more than a mere change of property form, re-municipalisation is itself a process in which on the basis of the *re-politicisation of the private (the political realisation of the diversity of interests and needs of the citizens of a municipality)* a particular social quality (aiming at equality) and economic quality (aiming at a common-good orientation) of the public has to be elaborated, which rests on far-reaching democratic decision-making processes and an orientation of the production of public services and goods to the use-value interests of the users. Nevertheless, this look at the changes of the interdependence of the private and the public should not ignore countervailing dynamics. Thus *the weight of tradition* leaves its mark on the relations of property. Some things – for example, a fossil, an historical document, a place like Stonehenge, historical goods, antiquities, some works of art, historical buildings, landscapes – are, despite their property form, seen as inherently *common* property and are accordingly so defined *culturally*. Specific norms are operative here: Items such as these have to be kept in their original state, and access to them for the general public, or more or less unrestricted forms of use, must be ensured. To this extent the private exclusive

property rights of disposal and appropriation based on the formal constitution of property are sharply restricted. Of course, such norms, which accentuate the communal aspect are constantly being violated – for example, for almost six decades a French family kept a 10th-century manuscript inaccessible, which contains the only extant versions of two scientific texts of Archimedes. Ultimately, symbolic control and proprietarisation of time through the privatisation of things which represent it in a special and rare way, are among the most efficient modes of property based on exclusivity. Nevertheless, no owner of an Empire State Building or an Eiffel Tower will be able either to tear down or substantially alter or bar access to such historic artefacts without coming up against the public realm, for these are components of a public space, as social and cultural places distinct from their juristic definition and economic quality, and they exist as a medium or object of the cultural *formation of identity of a society*. Here it is above all a matter of common cultural goods as aesthetic exemplifications of a still existing general social mode of life, a matter of artefacts and their spatial contexts, which can be appropriated by everyone and which are the result of the plurality of people (Arendt). It is above all the possibility of establishing *inaccessibility* and thus border control, as central assets of the private property relation, which are here undermined, limited or even cancelled. This constant irritation of the private by the culture of the *commons* and its idea of sharing is currently being constructed as the inevitable result of the historical action of people and their consciousness of it.

The second dimension of the distinction between private and public also operates with mutual exclusion and interpenetration: individuality, intimacy and personal idiosyncrasies are externalised, economically valorised and, in the process, commercially processed in the media, so that the personal / private are completely processed by the media and so becomes a moment of the public and its spaces. *Öffentlichkeit* – itself long since oriented toward the maxims of the market – re-subjectifies the personal / private, reconstitutes it as economic market subjects, «market-citizens», which can profitably be turned into value. The market valorises what was hitherto private – a second «privatisation of the private» (Henning, 2007).). Richard Sennett sees the «end of public life» here (Sennett, 2004). Since, in addition, the personal is individually and fundamentally more than a homo oeconomicus in a market society, this constantly new normative blueprint leaves behind it in the world of the economy feelings of failure, malfunctioning and fear. The radical privatisation of the private makes us constantly more miserable, as it has high social costs.

POLITICS AND THE PUBLIC

It is typical that the historic meanings of public indicated here (*openness, common-good orientation, statehood, communicative* public – and their occurrences, are commonly not thought of as connected nor seen as politically interrelated. The conflicts connected to them, as well as participants engaged in them, often are seen as standing alone. The political areas of party programmatic are not differentiated according to whether they concern public or private issues. There are family parties, senior parties, worker parties, and even Volks-

parteien (nationwide generic interclassist parties, maybe people's parties) but no party of the public and certainly not of the private. We are dealing here with very diverse, albeit societally and economically extremely significant, states of affairs, all distinguished by the attributes of the public. In addition, different social and political forces have completely divergent views of the public. Thus the «critical educated elites» and the «engaged middle classes» (Gero Neugebauer) cultivate a welfare-statist and at the same time libertarian, public-oriented etatism, which is considerably different from the redistributive and authoritarian pro-statism of the lower middle strata and the under classes or from the centrist neoliberalism of the economic bourgeoisie interested in the modernisation of state capital – not to mention from the state arrogance of the financial elites. In the tradition of political theory, finally, the different variants in meaning have essentially found their place in liberalism; on the other hand, in Marx, and in the traditions referring to him, the juxtapositions state / society or politics / economy dominate, and public attracts interest here essentially as communicative / media «Öffentlichkeit». The diversity of public tied to its centuries-old history involves a competition between the single moments of «public» and the special interests linked to it, which are exacerbated by the lack of a coherent and democratic politics.

Following the understanding developed in this essay, the talk of «public» thus means neither a mode of production nor an economic order. It is not a question of a totality, that is of democratic socialism or civilised capitalism. Finally, *public* is just as little thought as a discourse-political manoeuvre of clandestine leftist etatists or as the substitute vocabulary of resigned friends of the by now unat eye level popular civil society. Rather it is much more a matter of working out a consistent answer to the dominant practice and culture of privatisation – *at eye level*. The understanding of Öffentlich sketched out here links together *relations of production and appropriation as well as the relations of domination tied to these* (property, «service public» employment, use, the use-values it furnishes like goods and services), various *modi operandi* (especially communication, cooperation, publicity) and its *territories and places* (spaces) (Rilling, 2008). Its political economy is aimed at obtaining «welfare gains for the common» (Dieter Klein). We need to ask politically if these diverse practices of the public can be brought together into a complex political project, that can possess its own political logic, normative goals and empirically demonstrable life-world effects.

Looking at it in this light, four issues can be identified: Such an alternative project of the public would have to distinguish and aim at achieving: the *democratisation* of domination, the promotion of political, economic and social *equality*, a prioritisation of a common-good orientation, an opening up of paths to *individuality* through participatory equitableness in the elementary conditions of life, by being a medium of the solidaristic and providing a material basis for the symbolic control of time.

It thus involves concrete impacts and useful effects. Fostering the «public» means shaping the property and social relations, enterprises, goods, spaces or measures for services of general interest (especially food, housing and health), communication, public authority or political decisions in such a

way that, through their orientation to the general interest (common-good orientation), they reduce the inequality of distribution of resources, and similarly reduce the inequality of distribution of political goods (participation, access) and democratise, in other words generalise, its arrangements and hence create possibilities for the development of individuality. A fundamental condition for a lasting political turn to the public is a massive expansion of public investment or private investments in «the public», whose employment and productivity effects are incidentally considerably greater than those resulting from attempts to support private investments through tax abatements or other aid – the multiplicative factor is ca. 1.5 in the case of direct state investment, which is double that in the case of tax reduction. A public policy regarding corporations that is critical of privatisation – and in the current state of things that means a left politics – is worthy of this name only if it promotes the democratic constitutedness of public undertakings, clearly prioritises a common-good orientation, carries out internal enterprise arrangements sensitive to the reduction of income differentiation spread and social differences, produces a culture of transparency, publicity and the reinforcement of public opinion within a worksite and practices all this taking into account other protagonists and fields of action of the public that are influenced by its activities. *Public property* is a social relation that in regard to its normative aspect excludes no social class or group and which is oriented to the common good. It makes it easier to avoid or reduce regional and local imbalances and international and global disparities and hence to stabilise macroeconomic development. A central criterion of a left politics of public goods in this sense would have to be that goods are so produced and distributed that everyone can in a socially equal way participate in their use, and that through such a common-good orientation the existing social inequalities can be minimised. Public goods are used by people in their capacity as citizens, private goods are bought by them as consumers. That which is offered by *public services* is in turn likewise the result of conflicts around the role of public authority. In the framework of *general public services* (old-age benefits, health, education, culture, recreation, dwelling, mobility, communication) the socially equal participation of citizens, in the sense of minimisation of inequality, expansion of democratic cooperation and fundamental common-good orientation, has to be secured by these services. Public service and basic public social services are to be understood as a social right underlying a claim. «Public provision of services» first of all describes the character of access – it means goods or services, which are *open* and accessible to all; they aim therefore at inclusion instead of exclusion and for this reason should enable *discrimination-free* access; what is involved here is *continuous security of supply* through the *spatially inclusive and socially comprehensive availability* of services along with high quality of service with affordable prices and consistent qualitative conditions (dismantling of regional imbalances with the goal of achieving a *parity of conditions of life – the principle of equality*), independent of the profitability of the care-providing agency («no prioritisation of profit realisation» as a basic maxim). It is in the criterion of universal, equal access for all, that the *general-good obligation* of a service is expressed. Contrary to the neoliberal zeitgeist this also means that there should be a *free* access to specific public service provisions

of general interest, *gratis* for the users or specific groups of users. To the extent that the public provision of services is offered for a fee, the fee level has to be measured against economic but also social standards which in turn are negotiated politically. Basic public social services which orient their *ratio* to the needs of securing «general conditions of production for capital» cannot do all of this. Negotiations over the way in which these services are provided take place in the quadrangle of interests of (1) *the generality*, (2) the *users* of a service, (3) the *workers* producing the latter, and of (4) the *decision-making bodies* (population, public opinion, parliament). For the negotiation there is a *public space*, or such a space will be created. Here these interests can be articulated, conflicts of interest problematised and consensual solutions found. By these means a (democratic and public) kind of grappling with conflicts of interests can become possible, alternative to and different from what is possible in the context of private service production. It is also a matter of the *democratic participation* of the workers as well as of the *users* of the public service provisions in their shaping and the evaluation of their results (quality control), and it involves transparency and control of the technical and financial results; complete transparency of fees and of contract conditions; control mechanisms for municipal representatives; creation of independent regulatory authorities as well as legal remedies and mediation mechanisms.

The connection of the separate logics and normative goals outlined here is also a factor in the process of developing the public. For example, the process of developing public property can include: interventions into public authority in the matter of primary distribution, investment, structural and regional policies, social legislation, standardisation, environmental legislation, consumer protection, de-concentration of enterprise structures, co-determination of forms of bank control. The actually existing conjunction of production, distribution and utilisation chains, even in the area of public services and provision of basic services, demands such a complex politics of the public. A health system, for example, under the curatorship of the profit-based pharmaceutical industry would have sooner or later wholly to embrace the profit motive, which is why insular solutions and single policies without expansive societal support end where cooperative or communal economic projects in the past have largely landed – in normal actually-existing capitalism. A strict and radical-democracy approach on all levels makes it easier, moreover, through the processes of discussion and argument, of negotiation and societal confrontation, of concerted decisions, to shape the many competing factors and divergent interests in such a way that they do not act self-destructively, and so as to make possible political integration and hence also to ensure the ascertaining and realisation of general public interests in concrete actions.

The deep crisis of neoliberally radicalised private orientation, which broke out ever since Fall 2008 with an unexpected dynamic, has in no instance removed from positions of power the representatives of this policy. Rather, the latter are trying to play the public card in restoring market radicalism: losses are socialised, mobilisations of state funds in the amount of hundred of billions are presented as ensuring the common good («rescue») but function as well-nigh unique redistributive mechanisms; a «neoliberal Keynesianism» (Altwater) is

being implemented, whose only purpose is «consolidation» and recapitalisation. Nevertheless, the *public is again at issue*. But politics of the public has to take account of its own goal and efficiency criteria. What is involved is a non-subaltern project of a political change of direction *toward*, and a transformation *of*, the public, which is to be opposed to a political-crisis mobilisation of the still remaining public resources – especially its state resources – by the power protagonists of neoliberal capitalism. It is a genuine alternative and in the middle-term a possible second pillar of societal reproduction. For one thing, the public can, in the most diverse life-worlds, become an effective medium of solidarity if it makes possible and offers participatory equity and the common appropriation of elementary conditions of life – representing therefore a «*conditio humana* for individual freedom» (Klein, 2008). The public has thus not simply lost its power as a constantly revitalised antipode of the private, rather it also mediates between individual and society and is – should the opportunity arise – a key medium of democratic politics.

Thus a threefold sleight of hand is demanded of a left transformational politics: (a) using, and at the same time changing, «hard» state instruments in a pragmatic, practical way; (b) with a complex project of the public, going back to the political culture of memory of a multitude of alternative developmental moments and trajectories of bourgeois-capitalist societies, developing these moments and inventing a politics of their co-action – (c) and, finally, enabling such a politics to use the visionary power of the idea of the commons and of common, in order to reveal paths to a fundamental transformation of capitalism.

- BRENDGENS, G., 2005: Vom Verlust des öffentlichen Raums, in: UTOPIE kreativ 182, pp. 1088-1097.
- HABERMAS, J., 2004: Öffentlicher Raum und politische Öffentlichkeit. Lebensgeschichtliche Wurzeln zweier Gedankenmotive, in: NZZ v.11.12.2004, www.nzz.ch/2004/12/11/li/article9Z0Q0.html.
- HENNING, CHR., 2007: Dialektik der Privatisierung. Zu einigen sozialen Nebenfolgen des Rückbaus des Öffentlichen, in: Jansen, St./Priddat, B./Stehr, N. (eds.): Die Zukunft des Öffentlichen, Wiesbaden, p. 196 ff.
- HÖLSCHER, L., 1978: In: Öffentlichkeit. Brunner, O., Conze, W., Koselleck, R. (eds.): Geschichtliche Grundbegriffe. Historisches Lexikon zur politisch-sozialen Sprache in Deutschland. Vol. 4. Stuttgart, p. 413-467.
- KAHRS, H., 2006: Von der Anti-Privatisierungspolitik zur Politik der »Ökonomie des Gemeinwesens«. Acht Näherungen, unpublished Ms., Berlin.
- KLEIN, D., 2008: Krisenkapitalismus, Berlin.
- KLEIN, D., 2006: Das Öffentliche – ein archimedischer Punkt für Kapitalismuskritik und emanzipatorische Alternativen, unpublished. MS Berlin.
- LANDEFELD, B., 2008: Finanzgetriebener Kapitalismus. Was macht eigentlich die Bourgeoisie? unpublished MS Essen.
- OSTROM, S. E. / LAERHOVEN, F. VAN, 2007: Traditions and Trends in the Study of the Commons, in: International Journal of the Commons 1, p. 328.
- PICCIOTTO, S., 2007: Internationalisierung des Staates, in: PROKLA 147, pp. 251 -272.
- RILLING, R., 2001: Virale Eigentumsmuster, in: Lohmann, I./Rilling, R. (eds.): Die verkaufte Bildung, Opladen, pp. 303-313.
- RILLING, R., 2008: Remix der Eigentumslandschaft. Die Privatisierungspolitik resultiert aus der Dynamik der Finanzmärkte, in: Vorgänge 2, pp. 15-22.
- RINKEN, A., 1988: Öffentlichkeit, in: Staatslexikon der Görres Gesellschaft, 7. Aufl., Band IV, Freiburg i. Br., col.138142.
- RINKEN, A., 2002: Geschichte und heutige Valenz des Öffentlichen, in: Winter, G. (ed.), Das Öffentliche heute. Kolloquium zu Ehren von Alfred Rinke, Baden-Baden, pp.7-74.
- RÖSSLER, B., 2001: Der Wert des Privaten, Frankfurt.
- SENNETT, R., 2004: Verfall und Ende des öffentlichen Lebens, Stuttgart.
- WEINTRAUB, J., 1997: Public/Private: The Limitations of a Grand Dichotomy, in: The Responsive Community 2, pp.13 -24.
- WELCKER, C. TH., 1864: Öffentlichkeit, in: Rotteck u. Welcker (ed.): StaatsLexikon 3. Aufl., Bd.10, pp. 743-760.
- ZÜCKERT, H., 2003: Allmende und Allmendaufhebung, Stuttgart.

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PROF. DR. RAINER RILLING is Senior Research Fellow at the Institute for Critical Social Analysis of the Rosa Luxemburg Foundation in Berlin (FRG). Web: www.rosalux.de | www.rainer-rilling.de. Mail: rilling@rosalux.de

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 Franz-Mehring-Platz 1 · 10243 Berlin · Tel.: 030 44310-127 ·
 Fax -122 · info@rosalux.de · www.rosalux.de