

Against the Commodification of Water

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In *How Does The Global Order Harm The Poor?* Matthias Risse (2005) writes that “resources are collective property of humanity” (351) under “egalitarian ownership” (359). I intend to build on Risse’s argument and show in this paper that water must not be commodified. Rather, water must be open to all regardless of one’s ability to pay for it; it is a necessity and because of its natural occurrence in nature is part of original common ownership. The consequences of commodifying water are destructive for both humanity and the environment. This includes, for example, water being denied to people and sold to corporations in Southern Ontario and California. If current trends continue, it is estimated that upwards of two-thirds of all people will be affected by water shortages (Fanelli, 2014, 18), with the commodification of water exacerbating such scarcity.

Anyone who needs water should be able to access it without cost. Although the right of necessity only applies in particular times of need, water is something that is needed at all times, so the right of necessity applies to it at all times. Water is fundamental to the function of not only communities but of the individual; if there is no water there is no life. Due to this necessity of water for life, there is a moral right to water. The lack of a basic human right and necessity – the right to, and necessity of, clean water – causes great physical and psychological harm. The necessity of water is the hinge on which all premises and arguments swing in this essay because human survival depends on access to water.

Risse and Collective Ownership Concerning Necessities

A contemporary account of common ownership is found in the works of Mathias Risse. Risse appeals to the importance that resources, like water, have for human survival. In *Common Ownership of the Earth as a Non-Parochial Standpoint: A Contingent Derivation of Human Rights*, Risse (2009) writes: “First, the resources of the earth are valuable and necessary for human activities to unfold; and second, those resources have come into existence without human

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interference” (285). Thus, egalitarian ownership is the most equitable model of ownership, where all citizens of earth have a “symmetrical claim” to the earth’s resources (285-86). For Risse (2012), humans have rights not because they are human, but because they have global responsibility as part of the global order (21). Understood this way, water is market-inalienable since the life of all (interconnected) species depends upon it. Stressing the importance of water and the preservation of life as a moral responsibility can contribute to people acting in a responsible way when consuming water.

Natural common ownership rights generate associational rights regarding the global order of individuals on earth (Risse 2009: 293). Risse (2012: 34) explains that “the flip side of these responsibilities is a set of rights individuals hold vis-a-vis the global order. This is how reflection on ownership of the earth leads to membership rights in the global order, and to human rights.” People exist on earth together and they are associated with one another and rely on the same necessities. The global responsibility that Risse writes about concerns the responsibility of individuals to not destroy or waste resources, and to abide by collective ownership regarding necessities. Collective ownership entails collective responsibility, a responsibility that all people have towards each other as part of the global order. The rights entailed by collective ownership are explained by Risse (2012: 34):

[Collective ownership rights] generates two fundamental guarantees whose realization is a global responsibility: first, states and other powerful entities must ensure their power does not render individuals incapable of meeting basic needs; second, they must create opportunities for them to meet basic needs. Such guarantees neutralize the dangers that the global order poses for individuals’ co-ownership status. The first guarantee leads to rights to life and bodily integrity as well as to individual liberties...and political rights...and due process rights. The second guarantee leads to the need for a guaranteed opportunity to enjoy a minimally adequate standard of living, as far as food, clothing, and housing are concerned.

All people “should have an equal opportunity to use commonly owned resources” (Risse, 2012: 129). Collective ownership is the “right to use something

without a right to exclude other co-owners” (Risse, 2012: 128). The crux of collective ownership is that “the distribution of the original resources and spaces of the earth among the global population is just only if everyone has the opportunity to use them to satisfy basic needs...” (Risse, 2012: 128).

Collective ownership is an expression of the rights people have as inhabitants of a space together, and as inhabitants who require necessities within such a space. People have the right to basic necessities for life, and such rights are individual rights that one holds against others; however, collective ownership expresses or represents such rights in a political system, or system of ownership. Risse’s (2012: 127) offers three points for why all people collectively own the earth:

The resources and spaces of the earth are valuable to and necessary for all human activities to unfold (the earth being humanity’s natural habitat, a closed system of resources everybody needs for survival); the satisfaction of basic human needs matters morally...and that, to the extent that resources and spaces have come into existence without human interference, nobody has claims to them based on any contributions to their creation. In a nutshell, all human beings, no matter when and where they live, have some kind of claims to original resources and spaces that cannot be constrained by reference to what others have accomplished.

Collective ownership, as described in the above paragraph, overcomes issues in joint ownership. In joint ownership, one must discuss obtaining one’s necessary goods with all members of the ownership group through a “collective decision making process that would have to be concluded to the satisfaction of each co-owner” (Simmons, 1992: 360). In common ownership, however, one can obtain the necessities required for survival without the consent of others because such consent is already implicit in the very structure of common ownership. As long as no more than one’s fair share is taken, where the amount does not infringe on the rights of others, one is within one’s right to take and consume. One’s “fair share” is the amount one can use to sustain one’s self without harming another’s ability to use their “fair share” as well. Collective ownership means a necessary resource is held cooperatively and does not require permission from all members to use it, as long as one does not take too much of the resource so that

one impinges on the rights of others. Impinging on the rights of others entails harming one's ability to use or consume one's fair share of a resource, harming one's ability to sustain one's self.

Criticism can be levelled against common ownership, specifically Risse's formulation of common ownership. Arash Abizadeh (2013: 36) contends that Risse's conception of the "common ownership of the earth" does not satisfy what ownership is because ownership is more than merely use rights (p. 36). Collective ownership entails that all people must get their sufficient amount of basic necessities for life, lest people's lives be resigned to desperation and constant need. In a "common ownership of the earth" model, people must not be allowed to take an amount so large that it infringes on the amount others can get to survive. Ownership is more than use rights, but ownership does include a use rights dimension. Common ownership extends to more than use rights by identifying the rights people have regarding basic necessities for survival. Not only are people to use only as much of a resource as they need, without infringing on the rights of others, people have the right to the very necessity itself because the necessity makes life possible. In other words, it is a life-sustaining right that goes beyond mere access to, but rather guarantees non-commodified use of. One has the moral right to use water and thus exclude others from consuming the water one consumes; however, one does not have the right to prevent others from using a common source of water. Water *qua* water should be commonly owned and used by anyone, and it should only be excluded from others once it is used and not for reasons of commodification and profit-making.

The denial of water to those who cannot afford to pay for it is dehumanizing domination; it shackles one's survival to their ability to afford a basic necessity (Radin, 1996: 77). Commodification of water introduces dehumanization as domination, subordination and objectification within a populace. The commodification of a basic necessity for life also commodifies the lives of the people who need the necessity. The price placed on lives is objectification and it subordinates those in need to those who privatize and possess water. Risse (2005: 360) writes that the existence of natural resources is "nobody's accomplishment," and "who gets them should not depend on accidents of space and time." It is irrational to assign private and exclusive ownership to the basic natural resource of water because it is original and exists without human creation, invention, or labour. The originality of water means that it should remain in original common ownership and not as a commodity.

The labour that goes into laying pipe, digging wells, and extracting water might be enough for one to argue that *such labour makes it owned by the labourer*; thus, water can be privately owned and commodified. However, the moral right and obligation that people have to access water, derived from the necessity of it for life, ought to overwhelm the right-through-labour that a proponent of Lockean ownership might proffer.

Dehumanization as subjugation and subordination are results of water's commodification. Risse's (2005) idea of "uncompensated exclusion" in *How Does The Global Order Harm The Poor?* describes the subordination and subjugation people face as part of the global order when resources are excluded from those in need, and not recognized as being commonly owned. Risse (2005: 351) writes that "resources are collective property of humanity, [but] countries possess unequal amounts of resources and it is on the basis of this unequal distribution that they obtain their relative economic standing within that [global] order." Uncompensated exclusion refers to wealthy nations exploiting poorer, resource-filled nations without proper compensation leading to improper distribution of resources that should be commonly owned. Risse (2005: 364) explains the implications of uncompensated exclusion:

I submit that the most plausible version of spelling out Uncompensated Exclusion is that the global order harms the poor because the relative economic standing of countries within it is determined by the fact that some possess more useful resources than others, although humankind owns those resources in common. Such a disadvantage for some through unilateral exploitation by others is unacceptable because all are co-owners, and thus violates the ownership-rights of those whose interests are so thwarted.

Commonly owned uncommodified water could allow people to satisfy their basic needs of survival. The "core purpose" of rights, and of common ownership, is to allow people to meet their basic needs of survival (Risse 2009: 289). Since water is a basic necessity for life, it is best utilized in a system of common ownership that allows all people to use it freely and openly. Membership rights for people as part of the global order guarantees that people will be able to satisfy their basic needs and live life minimally at a subsistence level. The right of necessity takes precedence over private property arrangements when people do

not live at a subsistence level, and do not have necessities for survival (Risse 2009).

The Case for Decommodified Water

My own argument as to why water must be decommodified incorporates common ownership and the right of necessity with Risse's appeals to human necessities for common ownership. Water must be free and not commodified because it is essential to human existence. As a necessity for survival, it should be open to all regardless of the ability to pay. Water occurs naturally – it is original and without human creation or labour – and it fits naturally in the initial human situation of common ownership as common property. The right of necessity is one justification for why water must be open to all regardless of payment, and the right of harmless use can justify the need for equitable use of water. Both rights bind behaviour; even though I am entitled to access water without cost, I am not entitled to pollute or destroy it in such a way as to foul water or another's use of water. The right of harmless use follows the right of necessity. The right of harmless use should limit the scope of the right of necessity because when one uses a harmful or wasteful amount of a resource, one infringes on the rightful ability of others to take what they need to survive. I do, indeed, have a right to another's property if I need another's property to survive, but I do not have the right to use so much of it that I hurt his or her ability to use the resource and survive.

Why should water not be commodified? Because commodification does not align with, or respect, the necessity of water and the natural stipulations of common ownership that water falls under. As a necessity for life, it follows that there is a right of necessity to take one's fair share. That which is needed for life is correctly called a basic necessity, and such basic necessities must be freely open to all. The right of harmless use tries to ensure that enough water is used to satisfy survival, and that a wasteful amount is not procured in order to respect the right that others have to basic necessities of common ownership. The right of harmless use limits one to an amount that is not wastefully excessive because such wastefulness would affect the rights of others, as well as their ability to acquire such resources. The right of harmless use allows one to use the property of another so long as it does not harm him or her; however, if one takes an excessively wasteful amount of another's property, one hurts the other property owner. Wastefulness harms others by denying others the right to the resource being used. Collective ownership highlights the bond of necessity that people

share in their common environment. There is moral significance concerning resources that are necessary for life. It is in common ownership that the distribution of necessary resources is done efficiently and sufficiently due to the stipulation that all people, regardless of need, must only take as much as they need and nothing more.

The denial of water to those who cannot afford water, for example, is present in southern Ontario. Nestlé purchased a water well in Aberfoyle, Ontario in August 2016 strictly for commercial use (Leslie 2016). Nestlé can take up to “3.6 million liters of water a day for bottling” at the Aberfoyle site, taking water away from the local township and the “traditional territory of the Six Nations of the Grand River, 11,000 of whom do not have access to clean running water” (Leslie 2016). Riaz Tejani (2004: 146) writes of the harm caused by such commodification to First Nations people, arguing “corporate interests enter with their own notions of value that say a natural resource – seeds, water, mineral – can be made into private property and sold back to the people who depend on them.” Tejani (*ibid*) continues, noting that the “local cosmology is one that sees the value of these resources in precisely their common, public nature...In many cases, the inability of indigenous peoples...to value their resources in accordance with the logic of Capital has led to the dehumanization of those peoples.” In other words, the commodification of water has dehumanized people and caused them to be expelled from their lands.

Such examples abound, as is the case in Detroit, Michigan where those who cannot afford to pay for water have been denied (Feeley, 2016). Through the first few months of 2014, “Detroit’s Water and Sewerage Department began turning off water utilities for overdue or delinquent accounts. Since April of 2014, the department has cut off the water for nearly 3,000 households per week” (Shastri 2014). Approximately 100,000 people are being denied water because they cannot afford it. For some residents, there exists an intractable choice between paying for clean water or paying for food. Water bills in Detroit are some of the highest in the United States because the water infrastructure of Detroit has not changed over the last six decades, despite the population declining from two-million people in 1950 to around seven-hundred thousand today (Shastri 2014). Like Detroit, Flint, Michigan has also been afflicted by a lack of access to clean water. A combination of racialization and austerity policies has left Flint, like Detroit, ravaged by lead-poisoning as neoliberal policies of privatization have proliferated (Moyo 2017: 233, 240).

The privatization of water has also exacerbated California's ongoing challenges with water usage. Although Governor Jerry Brown has declared the recent drought a state of emergency, Nestlé, for example, continues to bottle spring water (Koba 2014). Nestlé can circumvent state regulators because the company's sources of water extraction are on a Native American reservation, which lies outside state regulations. Nestlé's permit to bottle water in California expired in 1988, yet Nestlé still bottles 705 million gallons of water per year (Schlanger 2015). Bottled water sourced from watersheds and springs that were once public are now privatized and exclusive when bottled, and every drop of bottled water is one drop less for local residents, flora, and fauna (Gumbel 2015). Bottled water has also been sourced from municipal water supplies, such as Wal-Mart sourcing water from Sacramento's municipal supply, resulting in formerly public water being privatized (Moore 2015). Commodifying water has not resulted in the alleged powers of the market allocating a resource more effectively, on the contrary water shortages are increasingly used to corner the market as control over necessary resources are wrestled from local councils accountable to democratic controls and into the hands of corporate boards of directors.

Representatives of the United Nations have declared the denial of water to those in need as "an affront to human rights" (Shastry 2014). As Diane Feeley (2016: 305) has argued, the denial of water to those in need in Detroit runs counter to UN documents that state "the right to safe and clean drinking water and sanitation as a human right...is essential for the full enjoyment of life and all human rights." Water, treated as common property, would overcome the denial of water to those who cannot afford their water bills because the necessity of water for human life would be realized and placed above profit-making, and thus not denied on the basis of the ability to pay.

Indigenous People's, racialized communities, low- and increasingly median-income households are struggling with the consequences of water commodification. According to a 2016 Human Rights Watch report, for example, drinking water advisories have been issued in "134 water systems – 90 of them in Ontario Province – in 85 First Nations reserves across Canada...Many of these drinking water advisories for reserves persist for years, sometimes for decades." The crisis is systemic and pervades First Nations communities across Canada. In California, surface water in lakes and rivers is being depleted to such an extent that groundwater is now the source of water extraction. Groundwater, a "savings account" for when convenient surface water

is not available, exists nearly 1,200 feet underground in some locations, and it is being used for commercial use (Stahl 2014). Groundwater was once an insurance-like public good, but it is now being used for commercial purposes, such as bottled water. Groundwater is now the lifeblood of inefficient crops, such as almonds (Stahl, 2014), where almond farming uses approximately ten percent of California's water "at a rate of roughly one gallon per almond" (Gumbel 2015). Sixty percent of California's water use is from aquifers, whereas aquifers provide thirty-five percent of the water used by humans worldwide (Frankel, 2015). As Mike Davis (2006) vividly detailed in *Planet of Slums*, hundreds of millions across the globe suffer from water contamination from raw sewage and toxic chemicals, including the threats posed by the spread of diseases. UNICEF, for example, estimates that up to 80 percent of deaths from preventable diseases are caused by poor sanitary conditions. Such strife and environmental degradation are the results of water commodification and privatization.

Conclusion

In a 2012 report, the US director of National Intelligence, stated that within a decade "many countries important to the United States will experience water problems...that will risk instability and state failure." The report went on to note that the "use of water as a weapon..." would become a reality (Stahl, 2014). Likewise, the "UN's annual World Water Development report predicts that as reserves dwindle, global water demand will increase 55 percent by 2050. If current usage does not change, the world will have only 60 percent of the water it needs in 2030" (Gander 2015). To control water is to control the lives of those who need it. The abuse of water, by restricting it from those in need and funneling it through corporate coffers, is contrary to collective ownership and the responsibilities within common ownership.

Publicly owned and controlled water recognizes the inherent need that all people have for water. Because water is a necessity that exists independent of human creation and existence, all original necessities must be commonly owned and subject to the right of necessity. Commodifying water so that only those who can pay for it can have access to it has been destructive for all life-systems and the earth as a whole. To avoid further conflict and destructive consequences for humanity and the environment, water must be decommodified. The problems plaguing water are solvable, but this requires radical solutions – that is to say, getting to the root of the problem. The market-based status quo is

unsustainable in the present, assigning millions around the world to water insecurity and imperiling the well-being of eco-systems services around the world.

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