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**Rethinking Enclosures from a  
Latin American Perspective**

The Role of Territoriality and Coloniality

Frank Müller, Jairo Baquero-Melo, Markus Rauchecker  
and Ramiro Segura



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# Rethinking Enclosures from a Latin American Perspective

## The Role of Territoriality and Coloniality

Frank Müller, Jairo Baquero-Melo, Markus Rauchecker and Ramiro Segura

### Abstract

The concept of “enclosures” provides useful perspectives for thinking about social inequalities. In this paper, we overcome the conceptual limits posed by Polanyi’s focus on the particular history of England as the trigger of the global transformation of economy and society. We follow the recent critique made by Nancy Fraser that inner-societal conflicts resulting from enclosures need a more decided and explicit analysis. We argue that these can be best addressed from the perspective of coloniality and territoriality. As examples of this post-Polanyi approach, we present research results on contemporary enclosures represented by exclusive urbanism in Mexico, agricultural plantation expansion in Colombia and seed regulations in Argentina.

**Keywords:** enclosures | territoriality | coloniality

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## 1. Introduction

Enclosures have appropriately been called a revolution of the rich against the poor (Polanyi 1944: 35).

Latin America has been experiencing a new process of enclosures since the last decades of the twentieth century. These new enclosures valorize objects by legal regulations concerning access to such objects. What is different from the process that began in England in the sixteenth century identified by Polanyi is that these new enclosures are not limited to agricultural land. Instead, the enclosure process is replicated through similar political-economic logics in wide variety of goods, services and knowledge, and encompasses symbolic and intellectual terrain as well as physical territory.

The enclosure of the few common and public lands remaining at the margins of rural space in several Latin American countries refers back to the founding act of modern capitalism. These lands had formerly been discarded as unproductive and often left for use by indigenous and mestizo communities. Induced by the economic crises and the economic liberalization in the 1980s and 1990s in Latin America a new wave of land grabbing by global investors emerged and turned such previously unvalorized land into leiscapes for tourism, monocultures of agriculture commodities, areas for environmental conservation, or real estate assets. Today, these new enclosures also entail the concomitant privatization of knowledge, nature and urban life styles, among others.

Enclosures can bring about economic improvements in terms of agricultural productivity, GDP or average income, but at the cost of social dislocation and ecological disruption. The physical segmentation of geographic space by building up fences and walls that demarcated the division of private from formerly public property is only one singular territorial outcome of a broader social and historical process to which enclosure, already in Marx's (1967 [1887]) understanding but also in Karl Polanyi's (1944) later revision, refers. The "movement" that Polanyi describes as being central to societal transformation worldwide is that of the commodification of land and labor. The movement creates or invents ever new assets – fictitious commodities – transferring the power to dispose over them to only a few.

The central aim of this paper is to interpret Polanyi's idea of enclosures in the light of recent critiques. Nancy Fraser remarked that for an understanding of today's crisis of capitalism, Polanyi's work provides a useful yet in the present also problematic point

of entrance (Fraser 2012: 5).<sup>1</sup> Today's neoliberalism is in many aspects close to what Polanyi called the self-regulating market as primary vehicle for the liberalist doctrine of the nineteenth century which spread from Britain across the globe. Yet, Fraser also points to a critical weakness in Polanyi's account: while Polanyi is interested in the social distortion caused by the powers of a self-regulating market and its lobbies, he overlooks inner-societal conflicts. Although he emphasizes the "double" character of enclosures – that is, every enclosure includes a movement of protectionism – Polanyi understands society in a holistic way. Following Fraser's general line of argument, it is our contention that by rethinking the coloniality and the territoriality of enclosures this shortcoming of Polanyi's approach can be overcome. Furthermore, our contribution adds a political dimension to the concept of enclosures. To address territoriality allows us to understand the political enclosure of land beyond the simple economic dimension. Land is both an object of political struggles and the subject of conflicting and coexisting interests. Latin American societies demonstrate how land can be regulated both by market logics and by communal organization. This argues for not overlooking cultural and ethnic expressions of land valorizations and institutions of social protection. In that sense, we follow the recent interpretation of new enclosures that see such an understanding of territory as an important focus to continue working with Polanyi's insights:

The privatization of English territory as a result of the Enclosure Acts extended beyond the economic; it was backed by a political and legal doctrine that judged who could put the land to best use and distributed property rights accordingly (Chazkel and Serlin 2011: 8).

Land is a tool for politics. The politics of land, or in short: territoriality, always serve particular interests. This paper claims that enclosure is a territorial practice that involves variegated social struggles. We claim that in order to overcome the binary logic of a "bad economy" versus a "good society" (Fraser 2012: 5) a more consistent analysis of territoriality is fruitful: we define enclosures as a territorial practice which aggravates social inequalities. Albeit not uncontested, enclosures deepen structures of marginalization.

Our interpretation, first, recalls the basis of Polanyi's work, that is, the observation of the devastating natural and social effect of the invention of the fictitious commodities land, labor and money and his powerful structure of the "double movement" (market vs. protectionism). We then develop a methodological approach to study such inner-

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<sup>1</sup> "Counterposing a 'bad economy' to a 'good society,' *The Great Transformation* flirts with communitarianism and is insufficiently sensitive to domination" (Fraser 2012: 5).



societal differentiations of socio-economic and socio-political inequality. To sustain our claim, a cross-case discussion in the subsequent analytical part of this paper re-contextualizes the classical enclosure of land in current cases of symbolic struggles for land in Mexico's urban peripheries, armed violence in Colombia and the standardization of procedures in agricultural production in Argentina.

## 2. Enclosures in the Work of Karl Polanyi

Enclosures have brought about a great transformation, not a historical determinism – although Polanyi (1944) tells the story of this transformation in the case of a specific space (England), he does also think beyond England. When, through enclosures of agricultural land for the purpose of wool production, masses of farmers were deprived of access to the common lands for their sheep and thereby forced into wage-dependent labor, the structure was set for a globally spreading capitalist market.

Land enclosures upon indigenous communal lands have a long pedigree in Latin America as well starting at least with the establishment of the *encomienda* system by European colonizers (Bakewell 2010; O'Gorman 1992).<sup>2</sup> Polanyi described this type of enclosure in terms of “culture contacts between peoples of various races” (Polanyi 1944: 164), a contact that had devastating effects on the weaker part by enabling not only economic exploitation but, more importantly, the disintegration of the cultural environment of the victims. A global binary – European metropolises constituting themselves by oppressing the colonized peripheries – unfolded as a process what postcolonial theorists call “othering” (Spivak 1985). The process of socio-cultural destitution endured by indigenous populations as a consequence of colonial conquest has been widely documented by historians (Todorov 2003) and remains relevant for the understanding of the new enclosures as well.

Also aptly described by Polanyi were the ensuing episodes of enclosure that ensured the subordination of the Latin American continent as well to the needs of the emergent Western European industrial society. From the beginnings of colonization, the establishment of the hacienda system and corporate-led plantations formalized the commercialization of the soil for the production of an exportable surplus, while creating debt peonage that eventually developed into relatively free markets of agriculture-related labor. As in industrial Europe, after enclosures, the indigenous and mestizo

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2 The *encomienda* was a typical institution of Spanish colonization in America. As compensation for services rendered to the crown, the king granted a certain amount of indigenous people to a Spanish subject, called *encomendero*. The *encomendero* was responsible for the natives in charge and should evangelize them. In return the Indians should paid tribute to the *encomendero*. Tribute was paid from the proceeds of their lands, in personal services or with labor in the mines.



people were then forced to make a living by selling their labor (Lockhart 1969; Lockhart and Schwartz 1983; Mörner 1973)

Karl Polanyi suggested through his “double movement” concept that the history of nineteenth century civilization consisted largely of attempts to protect society against the ravages of the self-regulated market mechanism based on the creation of fictitious commodities. Today, however, several authors are observing new processes of enclosure, such as accumulation by dispossession (Harvey 2003, 2004) and processes of land grabbing (Borras et al. 2012; GRAIN 2008; McMichael 2011) resulting from globalization. While under the double movement concept, the advent of neoliberalism might be expected to bring forth new forms of protectionism similar to those of the nineteenth century in order to avert the most disastrous ecological and social effects of fictitious commodities, in Latin America since the 1970s, it has been observed that the state has rather increasingly lost the capacity to regulate the market (Anderson 2003; González Casanova 2003; Harvey 2007; O’Donnell 1999).

The point here is to understand the last decades of the twentieth century as a period of renewed liberalism in which lower classes and indigenous groups are still today left unprotected, while Latin American society and ecosystems are left exposed to the destructive effects of the self-regulated market (Bebbington 2007; Gudynas 2003). So, how does the concept of enclosure relate to colonialism? The answer depends on how we understand colonialism: as a historical period or as a continuous relation of power and othering.

### **3. Understanding Enclosures in the Context of Colonialism**

The relevance of Polanyi’s work has been identified by different scholars in several fields and stems from his analysis of the expansion of market liberalization since the mid-nineteenth century which integrated the entire planet within a single market system.<sup>3</sup> Polanyi assumed that all resources and nature were reduced into the category of “land” (Alimonda 2011: 235). While historically land and labor were also linked, as life and nature were part of a unique system consisting of social practices, culture and belief systems, the Great Transformation reduced the functions of nature to an economic realm, thereby effectuating the “separation of the lands from the human beings” (Alimonda 2011: 235). The relation of land and labor was dramatically reconfigured in order “to satisfy the necessity of a lands market [and] part of a utopic concept of market economy” (Polanyi 1944: 178).

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<sup>3</sup> For example, his work has been located as important antecedent of environmental history (Alimonda 2011: 36).

However, we note that the study of the issue of subordination of nature was also previously discussed by Marx and subsequent Marxist authors. They took began to engage the concept of the spatial expansion of capitalism, through processes that involve (among others) colonialism. For Marx, the primitive accumulation is a process separating human beings from their means of production. It produces “the dissolution of private property based on the labor of its owner” (Marx 1967 [1887]: 535). Also, Marx differentiated between two modalities of private property, one based on a person’s own labor, and another that consumes the former, based on the exploitation of the work of others. Capitalism demands concentration of the dispersed lands and the conquest and domination of nature (Marx 1967 [1887]: 535). Thus, the prehistory of primitive accumulation involved the violent deprivation of humans from their means of production, especially through processes of land expropriation of farmers (Marx 1967 [1887]: 501). Marx also described some counter-movements (more theoretically developed by Polanyi through the concept of “double movement”), linked to legislation that emerged in England to counteract the effects of encroachment, by the depopulating enclosures and depopulating pasturages (Marx 1967 [1887]: 504). The soil was converted into tradable merchandise, enhancing agriculture exploitation and forcing the migration of free laborers to the cities. Marx emphasized the study of the conflictive processes of the expansion of capitalism. Yet, his study also had limitations: he had a narrow focus on colonization and also did not acknowledge that capitalism also involved slavery and coerced labor (Wallerstein 1974).

Another relevant antecedent of Polanyi’s analysis is the work of Rosa Luxemburg. Luxemburg (1951 [1913]) took accumulation to be not a previous stage of capitalism, but rather an ongoing process that added to the reproduction of capitalism: she introduced open-ended temporality into the understanding of enclosures. To that end, she criticized that Marx focused on a closed economy to analyze the reproduction of capitalism and accumulation processes. For Luxemburg, accumulation in a globalizing economy implies that capital continuously accumulates and extends towards new territories and assets, while never fully enclosing nature nor labor.

Luxemburg stressed the relationship between the internal and external areas in the capitalist system.<sup>4</sup> The exploitative relationship to non-capitalist societies and economies has always been a necessary condition to the survival of capitalism. Capitalism emerged surrounded by non-capitalist societies, including Western

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4 For Luxemburg, “Reproduction is something more than mere repetition in so far as it presupposes a certain level of society’s supremacy over nature, or, in economic terms, a certain standard of labor productivity. [...] On the other hand, at all stages of social development, the process of production is based on the continuation of two different, though closely connected factors, the technical and social conditions – on the precise relationship between man and nature and that between men and men” (Luxemburg 1951 [1913]: 32).

European feudalism, systems of simple commodity production (artisans and farmers), and territories of non-European civilizations (Luxemburg 1951 [1913]: 369). Capitalism, to exist and develop, required being surrounded by non-capitalist forms of production, which have served as new markets for their products, source of raw materials and as a labor force reservoir. The means of production were unleashed, the workers were freed, and labor became a commodity at an early stage in England and Europe. At the same time, by the early twentieth century a sort of “modern colonial policy” (Luxemburg 1951 [1913]: 371) carried out this process on a much larger scale. In many areas of the world, capitalist forms of economic and social organization had not developed in the territories colonized by Europeans. Those colonized territories included the soil, but also its minerals, forests, mountains, and herds. The temporally continuing, colonial dimension of capital Luxemburg related to its destructive threat for any common good. Destructiveness is related, among others, to the economic role of militarism in the economic globalization.<sup>5</sup> For Luxemburg, due to the colonial dimension of capitalism “we have passed beyond the stage of primitive accumulation; this process is still going on” (Luxemburg 1951 [1913]: 371).

Luxemburg understands colonial relations, mediated by the exploitation of a heterogeneity of commodities, as necessary and sufficient condition of a historically unfolding global capitalism. The spatial dimension of such colonial relations remains for her, as in Marx, the opposition between Center (Europe) and Periphery as the outside. Yet, these territories are no longer outside a historical conjuncture, that is, capitalism. Such spatial, but not temporal ex-territoriality of colonies on the peripheries is established by “colonial policy, an international loan system – a policy of spheres of interest – and war. Force, fraud, oppression, looting are openly displayed without any attempt at concealment, and it requires an effort to discover within this tangle of political violence and contests of power the stern laws of the economic process” (Luxemburg 1951 [1913]: 452-453).

Recognizing the important contributions of Luxemburg to the analysis of capitalist accumulation – as an ongoing process, present in open economies, related to colonial

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5 For Luxemburg, “Militarism fulfils a quite definite function in the history of capital, accompanying as it does every historical phase of accumulation. It plays a decisive part in the first stages of European capitalism, in the period of the so-called ‘primitive accumulation’, as a means of conquering the New World and the spice-producing countries of India. Later, it is employed to subject the modern colonies, to destroy the social organizations of primitive societies so that their means of production may be appropriated, forcibly to introduce commodity trade in countries where the social structure had been unfavorable to it, and to turn the natives into a proletariat by compelling them to work for wages in the colonies. It is responsible for the creation and expansion’ of spheres of interest for European capital in non-European regions, for extorting railway concessions in backward countries, and for enforcing the claims of European capital as international lender. Finally, militarism is a weapon in the competitive struggle between capitalist countries for areas of non-capitalist civilization” (Luxemburg 1951 [1913]: 454).

processes, and sometimes involving violence – it is also useful to discuss some of her arguments most useful for understanding the new enclosures.

First of all, at present, it seems unlikely that there are any areas that are completely external to the capitalist system to which it could expand in order to reproduce., to which capitalism expands for its reproduction, can be doubted. There might be small farmers conducting small-scale capitalist activities – agriculture, fishing, hunting, logging – but those population groups and their territories are not entirely external to the capitalist system; nevertheless, they might remain somehow external to industrial production (i.e. plantation monocultures and large-scale mining).<sup>6</sup>

Furthermore, Luxemburg's universalist understanding of coloniality needs to be augmented when considering the relationship between enclosures and colonialism understood as an ongoing process of marginalization. Fernando Coronil (2000) challenges any historical reductive view on capitalism as being Eurocentric. Besides its historical entanglement, Coronil thereby locates coloniality-based capitalism in everyday social interactions as well. Capitalism then is not an abstract form of production, exported to other parts of the world, but only exists as result of global market interactions and labor divisions:

Instead of seeing it as a European phenomenon self-generated that spreads to the rest of the world capitalist modernity, it appears as the result from the beginning of transcontinental transactions with truly global scope only began with the conquest and colonization of America (Coronil 2000: 92-93, translated by the authors).

More recently, scholars in Latin America have stressed the links between colonialism and the appropriation of nature, noting the necessity of integrating the research agendas of political ecology and environmental history (Alimonda 2011). For Alimonda nature can be seen

as biophysical reality (flora, fauna, human inhabitants, and biodiversity of ecosystems) and as territorial configuration (the socio-cultural dynamic that articulates those ecosystems and landscapes) appears in the hegemonic global thought, and for the regional elites, as a subaltern space which can be

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<sup>6</sup> In some cases, workers inhabiting frontier territories can be workers in plantations or mining projects in other regions different to those where they normally live. However, these territories have been also involved into more intense forms of capitalist production during specific junctures of intensive global capitalist expansion – including over-accumulation crises – such as during the late nineteenth century and the late twentieth century (Araghi 2003).

exploited, razed, or reconfigured, responding to the necessities of the prevailing accumulation regimes (Alimonda 2011: 22, translated by the authors).

Accordingly, we see coloniality as an ongoing process that effectively shapes societal conflicts over cultural, biological and economic layers of territory. From the perspective of coloniality as an ongoing process, which is virulent in societal interactions, enclosures moreover involve racialized and emancipatory societal struggles over territory.

The theoretical discussion of the concept of enclosure so far has complicated its territorial and temporal dimensions. While, indeed, enclosure can be seen as a practice that reproduces inequalities it is nevertheless clear that this process must be seen as being contested and as triggering entangled societal and territorial conflicts. Land ownership, measurements and the technical reshaping of nature are central underlying practices of territorial control, reproducing capitalist relations of exploitation rooted in the colonial interactions that fragment today's societies. Territory becomes relevant as an analytical perspective for studying the historical appropriation of nature as a variegated and differentiated process.

We can thus define enclosure as a territorial practice which entails the aggravation of social inequalities. In the following section we discuss further both of the related concepts of social inequalities and territory.

#### **4. Territorializing Enclosures: Territorial Practices and Context Dependency**

We can see that territory is already implicit in the analytical approaches to social inequality. Therborn (2011) differentiates social inequality into vital, existential and resource inequality. He points to the necessity to be scale-sensitive in designing approaches to inequality, to the division of the world into centers and peripheries of capitalism and to differentiate inequality by "mapping" class analysis (Therborn 2011: 16). Furthermore, he includes indirectly the important role of territory when he points to the uneven development of inequality relative to the place where it is measured. Discussing the social inequalities from the perspective of territoriality therefore provides leverage for uncovering and documenting the making of centers, places, margins.

Borrowing from insights of political geography, we conceive of territoriality as a historically contextualized and powerful process of appropriation by enclosure.

In order to understand how enclosures produce or reproduce persisting inequalities they should be understood as territorial processes which do not simply "take place"

in a given spatial container, that is, a prefigured territory, but themselves shape territory (Agnew 1994).<sup>7</sup> Brenner and Elden coined the “territory effect”, understood as the (modern) state’s tendency to naturalize its socio-territorial transformative effect (Brenner and Elden 2009). Any analysis interested in the politico-economic conditions and effects of global capitalism, as Brenner and Elden (2009) argue, must consider the historical dimensions of such notions of territory. This would question assumptions that put the state center-stage in analysis of security and violence reduction. Looking beyond a methodological nationalism, the state is not to be analyzed as one centralized field of power exercising authority in a homogeneous territory. Assumptions of both liberal (Held 2003) and realist (Lobell et al. 2009) accounts to the role of the state in globalization run short on explain the historicity and socially contested as well as fragmented nature of territorial sovereignty (Leander 2004). Instead, state territories should be seen as the objects of conflicts in societies in which (non-) state actors, from police, military, via militias, security firms and criminal groups are disputing territorial sovereignty.

Such rethinking of state-space means to define precisely what territory means when it is understood as historically dependent concept. Instead of simply assuming that state “contains” territory over which it rules, the work of Stuart Elden (2010) allows to ask how such congruency between the two terms has become “a political-legal category and what kinds of techniques are at work” in constantly re-establishing it (Elden 2010: 811). Elden’s notion of territory refers to control as an institution that is always disputed between different groups of society. Territory is rather the medium than the object of intervention. By contrast, land he reserves for the economic domain of space, confined by practices of legal regulation of property relations, processes of land appropriation and dispossession. It is the domain of control by practices of measuring and calculation, of drawing and defending frontiers.

Two statements about enclosures can be made drawing on these analytical approaches to states and territory. Firstly, each of the practices in both the domains of juridical-economic and technical-calculative intervention are themselves fields disputed

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<sup>7</sup> Agnew’s influential work on the historical conditions of the “territorial trap” (1994) allows us to rethink the territorial configuration of inequalities. The central contribution in Agnew’s approach to political geography is the destabilization of a blind spot in much of political and sociological theory conceiving states as fixed units of sovereign space, as bounded societal containers, and assuming a division between domestic and foreign spheres. Agnew’s attempt was to question the equation of state and territory that he saw implicitly “trapping” international relations theory (Agnew 1994: 76). This ‘traditional’ concept of territorial nation-states has been designed in articulation with the concept of its sovereignty as supremacy over territory and over persons. Agnew suggests to historically contextualize such link of sovereignty, population and territory in order to adjust territorial analysis to previous and ongoing threats to sovereignty by non-state armed actors, terrorism, militias, privately secured residential or tourist enclaves or territories for agricultural production. By that he redirected sociological and geographical analysis towards the always contested, relational and procedural nature of territoriality.



between different actors and depending on concrete situations. Furthermore, the territorial effects of such negotiations are not only prone to constant change, they are also incubators of structural inequalities: disputes over the possession of land can originate in but also in turn constitute new divisions across gender, racial and ethnic lines. Regulative and calculative measurements divide population groups not only as objects of institutional control but also as (potential) subjects of empowering struggles.

In our context, it seems thus necessary to question the usefulness of an ideal-typical modern state as these critical accounts of political geography have done. The nature of state-space itself becomes “produced, mutable and fluid” (Elden 2010: 812, see also Lefebvre 2003). Territory then can become a category to analyze the inner-societal conflicts that enclosures entail, if it is understood in its strategic, political and disputed meaning around control processes of regulation, measurement and appropriation.

Secondly, returning to the concept of inequality, the entanglement of historical and regional contexts provides a fruitful analytical perspective to include the temporality of territorial configurations. On the background of these time- and space-sensitive thoughts on inequality, the concept of enclosure, as it traveled from England to other regions (and was historically adapted by new local elites) allows reflection on the changing role of territory in (re)producing inequalities. The question becomes how the original, or “primitive” accumulation of land and labor relates to the protracted inequalities we can observe in Latin America? Which territorial mechanisms do new enclosures entail and which inequalities are deepened? And how does the making of territoriality shape social inequalities?

## **5. Operationalizing Territoriality for an Analysis of Enclosures**

In the remainder of this paper, we discuss three examples of enclosures from the perspective that has just been laid out. This perspective makes three claims:

- (1) Enclosures are territorial processes: As it became clear in discussing the approaches of Polanyi, Marx, and Luxemburg, enclosures proceed by territorial practices by which a good held previously in common then gains economic value by the regulation of access to it. As an effect, previous societal transformations condition these processes of enclosure, which in turn shape subsequent transformations of society. These transformations occur primarily but not exclusively through the territorial effect of enclosures, that is, an imposition of new rules and frontiers regulating the practices in a territory newly redefined by enclosures.



- (2) Enclosures aggravate/reproduce persisting inequalities. This can be best analyzed in terms of power relations within and among economic, social, cultural, state and other actors in the struggles over territory. Thus, not only the access to power is organized by the exclusion of certain socio-economic or socio-political groups by others. Enclosures also create a shortage or scarcity of the object in question (that had previously been held in common) in a certain territory, adding a new dimension to persistent historical social inequalities.
- (3) Enclosures are a critical part of how major transformations in global socio-political relations develop.

We now turn to examining these claims through selected examples from our own empirical research. The cases address the role of enclosures in the commodification of rural and urban land, and the restriction of access to knowledge on agricultural assets.

## **6. Cross-Case Analysis: Territoriality and Inner-Societal Conflicts<sup>8</sup>**

### **6.1 Claim 1: Enclosures Are Territorial Processes**

The territorial process of producing scarcity can be demonstrated in all three of our cases; it is interconnected with the control dimension of territory. In the case of land appropriation, this dimension is complex due to the heterogeneity of actors involved. These range from real estate developers, guerrilla, military and paramilitary forces acting as private security firms attempting to foster political and social control and protection of agro-industrial production with a new agricultural proletariat replacing existing community farmers. In the case of urban enclosures, rival claimants to urban spaces pit developers of wealthy oases with newly created property rights against longtime residents with informal control over peripheral spaces. And for transgenic seeds, the enclosure and counter-enclosure movements have, among others, overlapping constituencies in commercial farmers with interest in access to global markets, but not in the terms favored by global seed growers.

Historically, in Colombia, extensive areas have been adapted for carrying out agribusiness. Diverse elements have produced entrepreneurs first in the banana economy. The aim has recently been shifted to diversification by investments in new products such as oil palm. In this new business as well, various forms of land-grabbing are intended to guarantee the exclusive use of the territory for agribusiness, through

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<sup>8</sup> These case studies have been developed mainly in doctoral thesis being written in the framework of the *desiguALdades.net* project, by Frank Müller (2014), Jairo Baquero Melo (2014), and Markus Rauchecker (2015), respectively.

military control, regulation of who can inhabit or not those areas, or exerting violence against those in opposition to private corporation interests. In Colombia's Lower Atrato, enclosures take place within collective territories of Afro-descendants and mestizo peasants – which are perceived by the elites to be peripheral and unoccupied lands. By referring to protective laws,<sup>9</sup> communities of Afro-descendants claim or re-occupy the lands where they were located before the displacement, and also take legal action to recover their lands. This can be understood as a counter-enclosure movement. Counter-enclosures emerge as a form of societal protection with policies that grant collective territorial rights and noting the cultural and environmental value of those territories. This has been complemented with various land restitution policies adopted, with several obstacles, by the Santos government since 2011, with participation of institutions such as the Constitutional Court, the Ombudsman Office, INCODER<sup>10</sup> and the Land Restitution Unit. Subsequently, the impacts of dispossession of Afro-descendants and mestizo peasants produced gendered inequalities in assets and land ownership, in the case of the Lower Atrato district. Women have less access to land titles (Deere and León 2003). In addition, in Colombia, this gets worse as the effects of violence and forced displacement is higher on women (Meertens 2009). Thus, enclosures and land seizures have affected the indigenous, Afro-descendant and mestizo populations both recently as well as in the past, thus reproducing national and global land-related inequalities based on class, race, ethnicity and gender.

While this case has echoes of Polanyi's concept of a "double movement", opposing market and society, what distinguishes these transformations we observe is that enclosure has not been applied to society in a new, unified direction but instead has transferred existing inner-societal conflicts and new violent actors into society. The local manifestations of the global insertion in Urabá and lower Atrato shows the complex intertwining between economic ends and ongoing disputes over political control and ordering, comprising the guerrillas, the army and paramilitary forces. Armed conflict accompanies the expansion of agricultural plantations and livestock farms in Colombia and has produced the forced displacement of almost than five million people, and the abandonment of nearly 6.6 million hectares of land between 1980 and 2010 (Centro de Memoria Histórica 2012). These processes, carried out by armed actors such as paramilitary forces and guerrillas, have spurred land seizures and the creation of enclosures, benefiting the landowners, cattle ranchers, drug dealers and regional elites

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9 In 2001, the Constitutional Court of Colombia ruled that Afro-descendants are also covered by ILO Convention 169 on indigenous and tribal people which had been ratified by Colombia in 1991. Despite Law 70 of 1993 or *Ley de Negritudes* which had established that land rights should benefit the black communities, various statements of the Constitutional Court have also defended the conflicting land rights of mestizos living within those territories (e.g. Corte Constitucional, *Auto 096 of 2013*).

10 *Instituto Colombiano de Desarrollo Rural* (Colombian Institute for Rural Development).

that obtain land titles through corruption and/or by force. Secondly, the implementation of neoliberal policies has involved the promotion of industrial agribusiness. In Chocó, where many Afro-descendant families received titles, new enclosures have been created since 1997 primarily through violence. Paramilitaries, agro-entrepreneurs and para-politicians obtained about 23,000 hectares of land for oil palms and livestock (INCODER 2005), and they also received resources from the government that has championed the agrofuels sector. In the region, there are conflictive visions about territory: the state and armed groups dispute the territory for military and economic aims, with support from small sectors of the local populations who stand to benefit with them. Such support clashes with the position of longstanding communities that oppose agribusiness and protest the loss of the cultural and environmental richness of the territory. These inner-societal conflicts have been useful to produce coercive and military control over territories and populations where new enclosures have been introduced. For example, after the guerrillas' expansion, the state spread its military apparatus; but after it failed to be effective, the elite sector raised private armies to protect the interests of agribusiness. Local violent organization is also connected with the economic interests of foreign investors such as multinational banana trading companies in United States (e.g. the Chiquita Banana case in Urabá). Thus, a vicious circle emerged in which the military aims collide with economic goals.

Such heterogeneity underscores the need to understand territory as disputed in the sense of enclosures but also counter-enclosures. By placing the focus on the contested nature of the process, we indicate a post-Polanyi direction for research on modern enclosure conflicts.

In a very material way, the privately protected neighborhoods in Mexico (Santa Fe in Mexico City) and Argentina (Ciudad-pueblo Nordelta near Buenos Aires) entail also a process of competitive controlling. Parts of the land turned into real estate are public or common lands, protected by law. In Mexico the legalization of privatization of urban development by legislative changes (the change of Art. 27 of the Mexican Constitution in 1992, see Azuela 1992 and Assies 2007) has led to a fragmentation of the urban periphery of Mexico City. A side-by-side of ex-"illegal" invasions, unconsolidated *colonias populares* and gated communities has introduced a new quality into the phenomenon of segregation, besides the classical criteria of class and ethnicity (Duhau 2013). In their rhetoric, real estate developers build on a commonly-held dyad in beliefs about third world-typical urban sprawl: good new spaces showing an architecture fit for global standard displacing underused settlements with precarious standards for living. The political deregulation enabled the commodification of this prior unsellable land. This had the effect of not only the enclosure of land but also the commodification of life

styles. The gated communities are created as commodities in the sense of scarce, valued and exceptional spaces – a safe, natural, placid and yet urban lifestyle. What counts as aggravating factor is the transformation of peripheral land into land for real estate, which in the case of Santa Fe meant a dispossession of inhabitants of irregular settlements whose occupations were lacking property certificates.

Also in the “new” enclosures of knowledge like transgenic seeds, regulation and possession remain fields of dispute as well as of the subject of counter-enclosure efforts toward emancipation and empowerment. The enclosure of transgenic seeds generates scarcity not only in the purchasing but also in the reproduction of seeds. These enclosures are anchored by international intellectual property rights regulation like TRIPS, which is transcribed into national legal norms in the implementation process. Although commercial branding and sale of new breeds is commonplace in commercial agriculture, transgenic seeds harvested may not be used for future crops. This restriction of the reproduction of seeds on the farmers’ plantations marks a qualitative jump in the commodification of agriculture. In the case of the transgenic soy seeds in Argentina the right to reproduce seeds lies at the heart of the conflict between mainly multinational seed breeders and agricultural producers. Many Argentine farmers oppose the control over the agricultural production by the seed breeders and the payment of royalties for reproduced seeds based on the patent law. They argue for the free reproduction of seeds, which is permitted under the current Argentine seed law (Perelmuter 2009; Rauchecker 2013). The resistance against the enclosure of the reproduction of seeds in Argentina shows aspects of a counter-enclosure like “societal protection” for small farmers but it is also based on arguments the like international competitive ability of agriculture. Therefore, the resistance can be read as conflict of economic interests as well as a counter-enclosure – illustrating the complex differences of the current enclosures with the process Polanyi analyzed in the previous centuries.

Furthermore, the case of transgenic seeds show the complexity of enclosures coupling different commodities. The main characteristic of transgenic seeds is their resistance to certain herbicides (mostly varieties of glyphosate or glufosinate). That means that the transgenic seeds do not develop their function without an interrelated commodity. By that, the producers of transgenic seeds extend their control of access to the input factors for agricultural production (see also Pellegrini 2013).

We can thus conclude from looking at enclosures as inventing a fictitious commodity, which includes a variegated set of actors in claiming territory, entail inner-societal conflicts (some of which hold emancipatory potential). Nevertheless, and despite counter-enclosures and protective rights, in this territorial process social inequalities become aggravated. We thus turn to our second claim.

## 6.2 Claim 2: Enclosures Aggravate/Reproduce Persistent Inequalities

In the classic enclosures of land that proliferated in recent decades in Latin America, inequality implies entanglements of social categories such as race, ethnicity, class and gender. In the case of land enclosures such as in the lower Atrato, agricultural entrepreneurs are appropriating lands belonging to peasants (Afro-descendants and mestizos) and seek to integrate landless peasants as laborers into agro-industrial projects. However, in the lower Atrato many of the workers benefited from agribusiness have been external peasants brought by the companies, considering that local peasants were displaced.<sup>11</sup> In other cases, even if the lands are returned to the peasants through the current land restitution policies adopted by the government, other ways of land control have emerged such as the use of strategic alliances that foster associations between agro-entrepreneurs and local communities.<sup>12</sup> Here, the enclosure-initiated control over lands for agribusiness implies new modalities such as land leasing (this modality has also been detected in the South Cone region for soybean crops). Thus, enclosures can re-produce inequalities that intertwine class, race, ethnicity and gender, because communities such as Afro-descendants and mestizos (and women) are displaced;<sup>13</sup> and because their degree of control over the resources, despite their legal status as owners, can be impaired due to external economic interests. The enclosures and agribusiness can comprise discrimination, exclusion, and (frequently) precarious labor integration, as well as disproportionate exposure to the negative environmental consequences of intensive agriculture like contamination by pesticide spraying.

Besides the aggravation of inequalities by agribusiness, the enclosure of transgenic seeds lead to the strengthening of inequalities between further actor groups. First, this enclosure generates a hierarchization between multinational seed breeders mainly from the Global North, which develop the transgenic seeds, and Argentine seed companies, which combine the transgenic seeds as licensees of the multinational companies with local germplasm adapting transgenic seeds to local conditions (see Pellegrini 2013: 133-167). Second, the further market concentration of agricultural inputs enhances the position of seed breeders and at the same time agrochemical

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11 This fact has been documented by the investigations such as that of CODECHOCÓ (2011) on the Multifruits plantain plantations in Cacarica, Riosucio.

12 For example, Resolution 2038 of 2005 enacted by INCODER in Colombia.

13 With this emphasis on the impacts that enclosures have on ethnic communities, it is also relevant to recognize the conflicts that sometimes can emerge at local level, in regards to the territorial rights given to communities identified as “ethnic communities”, in the framework of multiculturalism. Besides having positive outcomes in terms of inclusion of social groups historically affected by discrimination and marginalization such as indigenous and Afro-descendants populations, the delimitation of lands to enact collective territorial rights also has produced conflicts between social groups at the local level, due to the co-existence of different social groups in several territories including indigenous, Afro-descendant and mestizo populations (See Ojeda 2012; Bocarejo 2011; Li 2010).

producers over the farmers, who use the technology. But this does not necessarily imply a strong dependency of the farmers on the seed breeders. An example is the failure of Monsanto to pressure the Argentine farmers by not introducing the second generation of transgenic soy in Argentina (Rauchecker 2013). Third, the enclosure of transgenic seeds requires more investment of the farmers in technology, which was one factor of the indebtedness of farmers in the 1990s in Argentina. This led to the closing down of more than 20% of small and mid-size farms benefiting the growth of big farms (Bisang 2007, Teubal 2006, 2009). By that, the social structure in the rural towns were altered dividing winners and losers of the new model of agriculture (Bidaseca and Gras 2009). The effects of the new enclosures on inequalities therefore can be demonstrated in “intellectual territory” as well as physical territory.

In the case of lifestyle enclosures, inequality is not only reproduced by physical but also by symbolic segregation between rich and poor areas. This form of social production of urban space, articulated with segmentation of labor markets and inequality in the education system, increases the isolation of certain groups and closed networks to access opportunities. The model of ‘insular urbanism’<sup>14</sup> (Duhau and Giglia 2008), is associated with the lifestyle of the ‘first world’, from which large segments of the population are excluded. Moreover, exclusion itself is what gives economic value to urban land. This is a kind of auto-valorization process that makes the current enclosure process more complicated than that envisioned by Marx and Luxemburg. The existence of the poor create value for the land of the rich. Symbolic struggles related to the enclosure of ‘first-world’ lifestyles can be observed in the spread of privatized cities: in the rhetoric of real estate developers, but also politicians in the western peripheries of Mexico City (Santa Fe and Huixquilucan) a process of othering stigmatizes the areas which are urbanized by migrant workers as being informal and beyond the limits of legal urban planning. Informality becomes determined as a threat to modern, ‘first-world’ oriented architecture. In this case of enclosure, micro-spatial inequality is produced in both material (by eviction and forced displacement of “informal settlements”) and in symbolic terms.

In the case of dispossession of Afro-descendant communities, despite the legal advances in recognition of territorial rights, many Afro-descendants remained displaced outside their territories, and those who return face the dilemma of whether to (or are obliged to) integrate their lands into larger-scale projects of agro-entrepreneurs. Enclosures linked to agribusiness have impaired the positive effects of the Law 70 of 1993, by producing new pressure on Afro-descendant and mestizo lands. Secondly, in big cities

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14 By urban islands (besides Duhau and Giglia 2008 see also Janoschka and Borsdorf 2004) sociologists and geographers refer to the phenomenon of areas which by physical measures such as walls and gates are separated from their surroundings, for example gated communities.



founded by the Spanish colonizers and the *criollo* elites, urban space was designed and distributed by enclosing certain spaces for the Europeans and their descendants, and defining other specific places and neighborhoods for the slaves and servants (frequently indigenous and Afro-descendant populations). In other words, this was a process of producing and reproducing “otherness”. This contributed to the production and acceptance of the idea of a lack of hygienic conditions in neighborhoods inhabited by poor populations (Glasco 2010). The cities concentrated a better supply of urban services, including the building of water supply and sewerage in places inhabited by the colonizers and their descendants.

This urban inequality historically relates to agricultural production as the plantation system has produced different spatial separations. Plantation owners do not live in regions where plantations exist, but rather in cities/countries far away. In plantations, some quality housing is built, but a majority of plantation workers must live in newly settled areas without housing and services, increasing unmet demands for more public services such as in the banana plantation area of Urabá (Uribe de Hincapié 1992).

These three cases illustrate the ways enclosures produce and reproduce inequalities, involving diverse social categories today in Latin America. These new enclosures in intellectual property and the symbolic dimensions can be best understood as territorial mechanisms, similar to the land enclosures that Polanyi identified. This broader range of enclosures reinforces processes of exclusion and thereby contribute the production and reproduction of inequalities. In this way, the process requires more than the classical Marxist understanding of the effects of enclosure (of land) on class division and conflicts in the rural side through dispossession of peasants. That is to say, the cases presented here have shown that the territorial mechanism of enclosure reproduces inequalities that go beyond social classes in more complex ways including both a global and micro-spatial scale of inequalities as well as symbolic inequality as part of social inequality. We now turn to our third claim concerning the scale of global socio-political relations.

### **6.3 Claim 3: Enclosures Are a Critical Element in How Major Transformations of Global Socio-political Relations Develop**

The cases analysed here take place amid an ongoing process of the diffusion and implementation of neoliberal reform in Latin America from the 1970s on. The neoliberal policies, also termed Washington Consensus, promoted the advantages of the free market over the intervention of the state in the economy. The policies included privatization of state owned enterprises, (trade) liberalization and macroeconomic



stability (Stiglitz 2008; Williamson 2008). Other authors point to the problems associated with the loss of any state capacity to regulate the market due to the neoliberal hollowing-out of the state (Anderson 2003; González Casanova 2003; Harvey 2007; O'Donnell 1999). Through their multiple provisions requiring giving up domestic control, but also because of their effects on the demand for land to produce commodities for export, multilateral and international treaties like NAFTA and TRIPS play an important role in the implementation of neoliberalism in national policies in Latin America.

Perhaps the clearest example is the so-called land grabbing (Borras et al. 2012; GRAIN 2008; McMichael 2011). In the Urabá region, the economic and political elites have promoted a discourse and vision for the region as being a “hinge” for the insertion of not only the Antioquia Department but also of the entire country into the global economy. For the dominant elite, subsistence agriculture and small-scale farming are not profitable. Global economic, political and financial actors are stampeding all over the world in pursuit of land that has not yet been privatized. This new enclosure boom affects most strongly territories in Africa, Latin America and Asia. Driven also by financial, climatic, food, energy and economic crises, they have created a new global process of production of global fictitious commodities. The process is entangled, for example, because such processes in diverse areas have linked financial actors of the global centers including institutional investors and pension funds, clean-energy promoters in the global North as well as the nouveau riche in emerging economies who share an interest in buying lands on a planetary scale (Dietz et al., 2014). However, despite the land grabbing pursued by trans-national and trans-regional actors, in Latin America land grabs have been also been taking place through cooperation of local and regional actors (e.g. agro-entrepreneurs and political elites) for carrying out neo-extractivist activities in mining or agriculture, or expanding the land concentration by expanding the agriculture frontier into previously not industrially farmed lands such as in the lower Atrato.

In the Argentine case of new enclosures of knowledge regarding transgenic seeds, the new enclosures take the form of a biotechnological model of agriculture: transgenic seeds in connection with pesticides and no-till farming. This in turn arises from the geopolitical configuration of the production of accepted, patentable knowledge. This form of privileging knowledge that can be patented is also part of the overall division of labor of the knowledge producing global North and the knowledge consuming global South (e.g. Martín 2013, Tancredi 2011). North/South relations become apparent in the production of knowledge regarding transgenic seeds and pesticides by companies mainly from the global North such as Bayer CropScience (Germany), BASF (Germany), Dow AgroScience (USA), DuPont (USA), Monsanto (USA), Syngenta (Switzerland), and its use by agricultural producers from the South such as in Argentina and Brazil,

two of the worldwide leading countries in GMO growing after the United States. The new comprehensive enclosure of agricultural input factors in addition to land is an example of a process of Northern multinationals gaining control over agricultural production in the global South. However, it is not purely dichotomous between South and North, which is shown by the production of generic glyphosate in China for the Argentine market.<sup>15</sup>

This pattern is backed by the control of the use of the products and the remuneration of its use based on the concept of patented knowledge/technology in international treaties like TRIPS, UPOV 1978 and 1991. In the case of soy production in Argentina, the adherence of Argentina to TRIPS marks an important change in the national patent law, which fosters the enclosure of transgenic seeds and the used technology. The legal conflict between the patent law based on TRIPS, which excludes the farmers' privilege to reserve and sow seeds on own plantation, and the seed law based on UPOV 1978, which supports the farmers' privilege, enabled the partial refusal of the enclosure of transgenic seeds. The payment of royalties for the use of transgenic seeds is omitted by the trade of unregistered seeds and the re-use on the own plantation. Despite the several actions by transgenic seed producers especially Monsanto to reform the seed law and to collect royalties based on private contracts, the conflict remains unsolved and the enclosure is still in the waiting room (Rauchecker 2013).

The peripheral territories in today's urban Latin America need to be seen as acclaimed and appropriated not only in material but also in symbolic terms: by effectively stigmatizing the urban areas surrounding the gated residential developments and promoting the distanced lifestyle that is sold to those living inside the walls. This conflictive situation is a case of enclosure because it shows how globally circulating "lifestyles" – residential environments with golf course, club houses, and/or swimming pools and embarking a perceived and felt "retreat" from urban life – underlie this process of urbanization, which is observable in the phenomenon of segregating walls, monitoring systems and private security firms. However, in the case of urban enclosures for gated community projects in Mexico City, the admission of Mexico to the NAFTA trade agreement induced the annulment of protection of common lands (*tierras ejidales*) in the Mexican Constitution (Art. 27). This constitutional reform enabled the commerce of prior common lands and the use for high-value construction projects. In this sense, NAFTA enforced the physical valorization and transformation of the common lands from non-saleable to saleable lands.

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<sup>15</sup> The entry of China into this process also illustrates the truly global nature of this new enclosure under global capitalism.

The symbolic production of first-world lifestyles in fragmented urban areas as case of enclosure is also an example of temporal entanglements in the reproduction of inequalities. It shows the continuity of world-level divisions, such as the dyad of civilization-savagery in imaginaries: enclaves of gated communities on the fringes of Latin American cities receive their economic and moral values from a discourse of dangerous, unplanned and uncontrollable urban spaces outside the privately guarded walls. Yet this strategy of what Marx called valorization (*Verwertung*) of aesthetical-symbolic difference and physical exclusion is no longer restricted to metropolises of the Global South. Amid financial crises and growing global social inequality, also in Europe and North America the richest classes aim to escape a perceived insecurity and uncertainty (Low 2001). What is more, in terms of uneven modernities, the urban model of gated communities can be seen as having developed in many locations simultaneously: it is not unidirectionally exported from Paris, London and New York, (it indeed has been traced back to the Garden Cities movement of the 19<sup>th</sup> century), but as a model, it can also be related back to early colonial rearrangements of urban settlements (Sheinbaum 2008).

All three cases point to an intensification of the underlying logic of capitalist development as identified by Marx, Luxemburg and others: the expansion of commodifiable objects into new fields of accumulation. In the case of enclosed knowledge relevant for the production of soy in Argentina, this entails an expansion of exploitation known as the pattern of an international division of labor since colonization, more precisely, from mining into agricultural production. Where agriculture is concerned, the introduction of transgenic soy seeds into the Latin American market conditions the very basis of reproduction. In a similar mode, the monocultures of plantations in the lower Atrato in Colombia can be conceived of as large-scale interventions into the reproductive conditions of the local population. And the potential positive effects of the enactment of laws that grant territorial rights such as Law 70 of 1993, have been decreased by the enactment of laws and rulings to champion the palm oil economy to produce agrofuels.<sup>16</sup> Those policies have been complemented by, and adopted in the midst of the ratification of Free Trade Agreements such as those signed between Colombia and the United States (Law 1143 of 2007), between Colombia, Peru and the European Union (Law 1669 of 16 July 2013), and between Colombia and Canada (Laws 1363, 1360 and 1359 of November 2009).

As far as spaces of representation, and by that, the symbolic dimension of enclosures is concerned, in the case of enclosing lifestyles by the logics of privatized security in

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<sup>16</sup> For example, see the various laws that govern the agrofuels sector including Law 693 of 2001 on the use of fuel alcohols, Law 939 of 2004 or the Biodiesel Law, and Law 1205 of 2008 on the quality of biodiesel.

so-called gated communities, we see that the spread of an architecture of fear has also been accounted for as facilitating a novel de-segregation of urban society: walls replace territorial dispersion of socially and economically distant groups and places zones of 'first-world' amenities closer to zones of less-serviced urban infrastructure. With urban lifestyles now being promoted as a product of urbanization, land is ever more important in terms of exchange instead of use value. This process of "territorial stigmatization" (Wacquant 2007: 67) of zones of poverty as being co-terminal with crime and moral decay is implicit in the logic of commoditized space production. Inequalities aggravated by urban renewal and other stigmatizing urban policies should therefore be at the center of the analysis of capitalist urban development, because this symbolic space is critical for its exchange value. In the western peripheries of Mexico City, for instance, such stigmatizing dichotomy has delegitimized the claims made by their inhabitants to infrastructural improvements in their neighbourhoods (Müller 2014). The critical task for studies of urban inequality then is to show the tendentious intentions of such policies as not only reinforcing stigmatization, class divisions and racialized spatial politics under colonialism, but they are also attempts to create new opportunities – enclosures – for (inter)national real estate investment in the cities of Latin America. Thus, analyses of these kind of processes should focus also on the symbolic dependency of socio-spatial representation in the enclosure of urban lifestyles.

## **7. Territoriality as an Analytic Lens for Rethinking Enclosures**

Summing up, enclosures can be seen as inventive in the logic described by Polanyi. We argue that territorial enclosures must also be seen as correlated to the spheres of symbolic representation and to knowledge in order to be able to grasp their innovative nature. At the same time, by expanding into representative and intellectual dimensions of spatial production, the original notion of territory as regulated "land" is expanded theoretically to include regulative processes in all of their dimensions. Furthermore, just as land enclosures have not been uncontested, we find that the new enclosures and their underlying logics also offer opportunities for contestation.

The new enclosures in Latin America are related to the contemporary spread of neoliberal policies materialized in the expansion of free trade agreements, the expansion of agribusiness, and urban transformations. However, after recognizing the flaws in Polanyi's analysis related to inner-societal conflict not only over physical but also intellectual territory, and by incorporating inequalities rooted in historical and ongoing colonial processes in the analysis, the contemporary enclosures that we studied also involve the enactment of laws based on ethno-adscriptions, or ethno-territorial rights, that provide rights and legal tools for communities to make claims over their land rights.

Hence, the concept of enclosure is useful for analyzing processes through which inequalities have been historically and are currently being configured. The inquiry into rural land enclosures, but also urban spaces and knowledge, seeks to interrogate these disputed economic, social, political and cultural fields. The enclosure metaphor is particularly useful because the disputes take place in certain territories, and what is disputed refers to the objective of territorial control. Thus, by analyzing inner-societal conflicts as effectuated by enclosures, our approach to analyzing these developments places the emphasis on their interrelations rather than seeing them just as separate analytical categories. This reveals that the role of the state goes beyond either reactive deregulation or protection, but also serves as a normative resource upon which participants draw as a referent in disputes over enclosures.

The examples shown in this paper illustrate the advantages of this post-Polanyi approach to enclosures in all of their forms. From the Argentine case of international and national regulations concerning intellectual property rights, we can learn that enclosures can create interrelated commodities that connect markets for such products as transgenic seeds and pesticides. Furthermore, we observe that enclosing knowledge on “nature” in the form of transgenic seeds generate conflicts within society and economy blurring this differentiation. We found economic, state, and social actors on both sides of the conflict forming opposed conflict actors. This case also underscores why the new enclosures include but are not limited to land or labor. The case of legislative regulation protecting Afro-descendant communities in Columbia’s Chocó region allows for bringing in more complex forms of domination than Polanyi had in mind – coloniality and ethnicity are categories which are vital for understanding this case of enclosure and particularly the consequences for the role of violence in society. As Polanyi already remarked, the state takes an ambivalent role as it both facilitates privatization and regulates protectionism in this conflictive region of Colombia. Yet it is important to note that the state has also brought about new forms of paramilitary violence that further disrupt and fragment society. Lastly, in the case of peripheral urbanization in Mexico City, it is symbolic struggles that urge us to rethink Polanyi’s binary between a bad economy and a good society. Discussing how real estate developers actively strengthen an image of an urban sprawl as being a threat to a ‘First World’ architecture, and how that is contested allows for concluding that enclosures are, rather than opposing to society as a whole, differentiating society and allowing to study inner-societal conflicts from new perspectives.

Looking at the enclosures through the lens of coloniality and territoriality allows us to acknowledge that these processes have been set historically, linking actors at many scales (local, regional, national, continental, global), through political and economic

global processes. The recent land grabbing is a demonstration of those processes with greater impacts on the indigenous, Afro-descendant and mestizo populations in Latin America. Nevertheless, the counter-enclosures involve an articulation between international and national laws and rights, and the use of those laws by communities to mobilize and defend their rights. The situation in these three cases presented also shows how there are geographical entanglements producing enclosures in response to capitalist crises; but there are different legal and political processes that also interlink several actors, and legal and political processes connecting multiple scales to counter enclosures.

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