

4. PROUD TO BE A COMMONER

Papers shuffle* *hum of courtroom in silence

We're in Aylesbury Crown Court; a boxy red brick building in a quiet town in Buckinghamshire. It's a rainy morning in March in 2017 and the room is relatively full, by Aylesbury standards. Full of people in suits and official garb. The reason for that is that today marks the end point of quite a lengthy investigation. The judge is reading his verdict.

VO ACTOR It's disgraceful conduct, this is a shocking state of affairs. You demonstrate a scant regard for the law...and a history of non-compliance.

We have all the major players of any good crime drama here. The judge, his Honour Francis Sheridan, up in the parapet, with his wig on. The chief prosecutor, Anne Brosnan. And then, of course, you have *the defendant*.

VO ACTOR Well done for a painstaking and thorough investigation, I hope the courts never see the likes of such a case again. [Pause]. It's wicked.

{Pause}

It's a hushed atmosphere. For Judge Sheridan to use such strong words in a sentencing, you know it's going to be a tough one.

But the perpetrator isn't sitting slumped behind the defendants table, nervous and intimidated. No, their representative sits in a suit, quietly composed.

Perhaps because they know they're protected. There is no threat of actual prison time.

'Wicked' as it is, this isn't as straightforward as a mugging, or a drug deal. It's technically the trial of a neglect of duty... and with these things "responsibility" for them is often shared and concealed. The only penalty Judge Sheridan has, in his legal arsenal, is monetary.

And he's going to use it at full force.

VO ACTOR This is a record breaking fine, for record breaking offending. One has to get the message across. In light of a guilty plea, I have to fine you twenty million, three hundred and sixty-one thousand, one hundred and forty pounds.

{crowd murmurs, sound sounds of people moving about - music starts to come in}

The fine is set; 20 million pounds. This is an unprecedented amount. A hum of shock moves through the room. As people start to file out of the room, the press moves over to the defence and prosecution for interviews and comment. But no one rushes over, or even glances at the victim, to get *their* reaction. And that's because they're not there. This whole time, the gallery has been empty.

In fact, the victim doesn't even know the trial is being held.

That's because the victim isus.

Series Intro

My name is Tilly Robinson and you're listening to The Water We Swim In. A 7-part mini-series that explores what system-change really means. Each episode investigates a story that helps us understand the way our society's been designed, so we can see the invisible forces leading us towards the climate crisis...because in order to know where you're going, you first need to know where you *stand* and how you got there.

Last week, we learned about how our economic model doesn't take into account its own outer limits. In this episode, we take a look at the ideology that keeps that model in place - something so commonly accepted, we don't even know it's there.

In order to understand this, we're talking about an ancient charter, a quiet theft and why bottled water is only the beginning.

Part 1: THE FORGOTTEN CHARTER

Matthew "So, this happened in 1217, 800 years ago, 400 years before Shakespeare. And the building it would have happened in was called St Pauls, but it wasn't this particular cathedral.

Tilly But was it here?

Matthew Yeah it was right here, it was a building that burnt down in the great fire of

London, and you know it would have been smaller than this one but compared to the rest of mediaeval London it would have towered above it, so really impressive. 00.26

I'm talking to Matthew, another writer on the podcast, who has had the task of researching a huge historical event that happened on that day - *6th Nov 1217*. So he took me to have a look at where it happened: St Pauls Cathedral.

Matthew Ok, so if we come over here. So, at the altar there would have been these three figures. One of them would have been tiny, just kind of drowning in thick velvet robes, this is King Henry III, he would have been ten years old [T: oh wow] - yeah, yeah, yeah - and he would have been there with his Uncle, the Earl of Pembroke and an Italian Cardinal who would have been there representing the Pope.

Tilly Do you know what it actually looked like?

Matthew It's a very small piece of paper, a piece of parchment. It has the seven articles written in incredibly tiny script, in Latin.

Tilly So it's not a scroll?

Matthew No, no, really small. And the whole thing though, would have been read out in full afterwards, and then they would have signed it, with their seals.

There were two documents being sealed in this ceremony. One was the Magna Carta - the Charter of Liberties. The name might ring a bell: it's viewed as the first statement of human rights and is seen as the most important legal document in the common law history. It has been invoked as a symbol of democracy, the inspiration for many national constitutions.

But you probably won't have heard of the second charter that was sealed that day: "The Charter of the Forest". Which is a shame because it's *really* interesting.

Matthew I mean you can feel what it's like being in such a big, important building.

Tilly I mean it's quite like, solemn, even in here

Matthew Yeah. The atmosphere is already pretty impressive, and this was a momentous

occasion. This represents serious change. This is basically the young king coming in and undoing what his father had done.

Henry's father, 'King John', had not been a popular king. He had done what bad kings do, and prioritised his own pleasure above the needs of his people.

For example, he'd wanted more woods to hunt in. So, he just turfed people out, declaring them 'Royal Forests'. Forests that people had occupied for years, now saw them branded 'poachers' and killed or castrated for the crime of trespassing. But he didn't want those same restrictions applied to his game animals, so ditches were filled in and partitions destroyed so his deer and boar could roam free and breed easily. But lots of free-roaming deer and boar is not good news for crops and those whose livelihoods depended on them.

This is actually when Robin Hood was set, and it's why his Merry Men are often eating venison; simply killing and eating a deer was an act of rebellion. Robin Hood may have been a fictional character, but "Prince John", the sulky Lion in Disney's depiction, was based on someone very real.

King John Taxes! Taxes! Beautiful, lovely taxes! Ahha! Aha!

Sir Hiss Sire! You have an absolute skill for encouraging contributions from the poor.

King John To coin a phrase, my dear councillor, rob the poor to feed the rich! Aha! Am I right?

Under his rule, the people, understandably, started to reach their breaking point... and I mean *all* the people. This led to something quite rare: an informal coalition of the classes - everyone from peasants to nobleman. A group of Barons, wielding the most power, led a full-blown revolt, which ultimately ended in King John's death. And what did they use their victory to demand? A charter.

A charter to protect the people's right to the land. To roam across it; to use it; to graze their animals, farm a small hold, gather wood. It basically said: this is a *forest*. You can't just call shotgun! It was here long before us, it doesn't belong to anyone, so it belongs to *everyone*.

Access to this land is what we all have *in common*, and the land that the Charter protected was called 'The Commons'. To use this land is 'to common', and doing so makes you... a commoner.

That's what being a commoner *means*. It doesn't mean that you're poor, or unimportant. It means that you're *free*.

[Choral singing].

Skip to: Little King Henry, standing amid a lavish ceremony, in the largest Cathedral in the world, sealing "*The Charter of the Forest*". Subversive, unprecedented, and deemed so important that churches would be required to read it in full four times a year.

Matthew At the end this bit would have been read out: "All men of this our realm shall observe on their part...And for this our gift and grant of these liberties. We do grant that the charter in all its articles *forever* shall be firmly and inviolably observed"

'Shall forever be firmly and inviolably observed'. Well, the Magna Carta has been lauded and protected.

But the Charter of the Forest? Fallen into complete obscurity, barely remembered.

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We still have commons today. Natural commons, like the *forests* and any part of nature that can't be claimed; shared resources and spaces: the air, water, minerals, moors, fisheries. . But we also have social commons: things like, elderly care, social services, the NHS; and the civic commons, which means a fair legal system; we have cultural commons: like museums, libraries, galleries...the list goes on.

These commons have been built collectively over years and years, handed to the next generation as a source of public wealth.

So we still have commons, but *knowledge* of the concept has faded. You know your human rights, no doubt, linked to the Magna Carta. But what about your rights to the commons, linked to the Charter of the Forest? Why do we know less about *that*?

Well, let's scoot forward from the 1200s to a time in more recent memory. Because, actually in

the grand scheme of things, it's only *just* been forgotten.

After the second world war, the political mood was largely one of state-guided social cohesion. We'd just gone through this long period of crisis, where the government had needed to call the shots - it wasn't 'every-man for themselves, get the state out of my backyard', it was 'god, if we're going to get through this together, we need rationing, and, centralised strategy like 'blackouts' and careful economic planning'.

So, *after* the war, that was kind of the mentality. Most people were happy for a welfare state to be developed; most people were happy to pay higher taxes if it meant that the government would provide things like social security, the NHS, education, and social housing,

Most people, but not everyone.

There was a fringe group of thinkers, of economists, that weren't so sure. There was another sentiment, understandably, left over from the war, and that was a real dislike for *fascism*. And these economists worried that state welfare was a step in that direction.

They didn't like how much power and control the state had, how much involvement it had in peoples' lives. State economic planning? A reliance on state welfare? Fewer individual freedoms? It sounded like a downhill slope to totalitarianism.

They developed a 'set of alternative ideas' about how things could be run. They developed an *ideology*.

The idea was to limit the government's control. And the way they wanted to do this was to stop the government from interfering in the economy as much as possible, to give people 'economic freedom'. So, they would let 'the market' (and the mechanisms that the market uses, like supply and demand) decide the value of things totally independently.

In this ideology, the market was *free* to sort of sort out our economy *without* any government control (without them imposing regulations, tariff, taxes rebates - trying to encourage or discourage certain practices, or businesses - none of that). It would be left up to 'the market'. And this is what makes it a *free-market ideology*. Think of it like an *extreme* form of capitalism.

This is known as Neoliberalism.

The main tenets of Neoliberalism were set out in a series of books by a man called Frederich

Hayek. Hayek was also involved in founding the 'Mont Pelerin Society', a group mostly made up of right-wing economists and scholars, a sort of 'Think Tank' designed to spread Neoliberalism. They wanted their ideology to hit the mainstream, and in the 1980s, they got their wish.

Thatcher For those waiting with baited breath for that favourite media catch-phrase, the U turn, I have only one thing to say. You turn if you want to [audience laughs & claps]. The lady's not for turning [clapping].

Margaret Thatcher, our prime minister from 1979-1990. Thatcher had read Hayek and was a big fan of Neoliberalism. In fact, after being re-elected as the leader of the Conservative party, it's said she walked into her first meeting with the Shadow Cabinet and slammed a copy of Hayek's book: 'The Constitution of Liberty' down on the table, declaring "This is what we believe!".

And it was. She believed Neoliberalism was the key to kick-starting the country's sluggish economy. Less interference in the market would mean lower taxation, free trade, cheaper goods, which - because all of these things are good for businesses, would encourage *investment* in those businesses (because you want to invest in a business that's doing well). And that means more money put into things, and therefore better services, better infrastructure and better-funded institutions - just, a healthier economy.

Thatcher was the model student for the Mont Pelerin Society, putting into practise all they had hoped for. At the same time in the United States, President Reagan was rolling out the same policies, having had similar ideological epiphanies. Soon, Neoliberalism would become a cornerstone of Western society.

So, about the commons? Where do they fit in this ideology?

Well, they posed a bit of a problem. I'm going to set out, for you, the issue that Thatcher faced:

In Neoliberalism, the market knows best. That's it's whole thing. And it's the market's job to determine the value of things; based on what price they can fetch. So, in the market - value is assigned by price.

But here's the issue: the commons are... *free*. The whole point is they're owned by all of us, who would you pay? So they don't have a price. And they aren't scarce either, they're plentiful and should last forever. So this means, as far as Neoliberalism is concerned, they have no value! They are just sitting around, worth diddly-squat, not part of the economy...*a total waste*.

So, you're Margaret Thatcher, and this is logic you ascribe to, what would you do?

You surely want to assign a *value* to the commons that represents how *great* they are. But, in neoliberalism you only care what the *market* has to say, and in the market the only value you have is monetary. So, ergo: give them a price! But how do you give something a price? You can't just whack one on arbitrarily, the prime minister randomly assigning prices to things would be serious government interference in the market, which as we know is a big-no-go for Neoliberalism.

No, the way you give it a price is *to sell it*. *This* is called privatisation.

Clip from Thatcher vs. Kinnock Debate

Thatcher Mr Speaker, power-gen will be sold off at the *highest* price, my right honourable friend has an indicative price, other bids will be asked for, is he *against* selling it off at the highest price?! Or does he allow his prejudices against private enterprise to dictate his every sentence?

Privatisation is where you take something, which previously belonged to the public, and you sell it to a private company, who then owns it. A notable example would be our water supply.

Most countries' water supplies are state-owned and state-run because water is a natural commons, but *Thatcher* wanted to bring our commons into the economy. She claimed not only would it boost the economy, it would benefit the customer. Companies would be clamouring to win customers over: Use *our* water company! We'll make our service better, the water will be *cleaner* and the prices are *lower*. And, if it's a private company, they'll be turning a profit where the government wouldn't be. And that means *investors* which would mean more money for investment in the infrastructure, you know, we'll be able to replace those old Victorian era pipes. Better service, better economy - this was Thatcher's promise.

So, at the end of the 80s, Britain's water supply was sold to ten companies - whose job it now was to provide us with water, treat our sewage, and protect our supply.

The biggest of these companies was *Thames Water*.

It still is. A behemoth of a company, they are responsible for supplying water to about 15 million people and looking after the health of our rivers. A job laden with the responsibility of public health and environmental protection.

Pretty unfortunate then, that on a Wednesday in March 2017, a representative of theirs was forced to spend a morning standing trial in a small court in Aylesbury...

Part 2: MARKING YOUR OWN HOMEWORK

Thames Water Advert: "Gone fishin! By a shady wady pool"

This is a Thames Water advert, from the 90s.

Advert In 1955 the Tideway of the Thames could not support fish now, over 100 species have been recorded there. One reason why we support our expertise to 40 countries *"Gone fishin' instead of just a-wishin'"*

It's boasting cleaner water and, they did have something to boast about, as it seems. Privatisation was working: investment was climbing, the water was cleaner - there were excited whispers of dolphins in the Thames.

Jump forward to the last couple of years, and Thames Water is using all that investment Thatcher predicted to build an impressive 4.1 billion pound 'Super Sewer' - a tunnel *underneath* the Thames, for extra safe and speedy sewage management . So, it's going well.

Except. Back in 2013 a man called Doug Kennedy happened to see that there were fish floating on the surface of the River Thames. A weird amount. He looked closer and saw the river was jet black, with flies covering it. Doug is a photographer and is used to paying close attention to the natural world. He also graduated with an Environmental Masters in 2002, which meant that he found the matted duckweed covering the river suspicious. That meant nutrients in the water that shouldn't be there, so he called the Environmental Agency - the EA - to report that something was wrong.

Over the next few years, the EA investigated, responding to multiple callouts from residents of nearby areas. Sometimes confused, sometimes distressed. In 2017 they had enough evidence to present to the court: raw sewage had been leaking into our rivers, repeatedly, across two years. Millions of litres of sewage, *every day*. Marlow (a small village near Aylesbury) *alone* saw 1.4 billion litres of excrement, shit, basically - flow into their river.

And for this catastrophic oversight in procedure, Thames Water were fined a historic £20 million pound bill.

Tilly Okay. Okay. So maybe if we start, um, yeah, that's fine. Um, if you're happy to start with just like a little introduction soundbite, so your name and what you do.

Gill Sure. So, I'm Gill Plimmer and I cover infrastructure at the FT, which has a fairly broad definition. So it covers some social infrastructure such as care homes, as well as, uh, private hospitals and also the big infrastructure projects. So HS2 and water companies.

I'm sitting with Gill Plimmer, in her house in London. She's a journalist for Financial Times, a veteran of 20 years in the role. [pause] Her sitting room, a modern room with tall ceilings, is strewn with the remnants of her daughter's birthday party from the night before. As soon as I walked in, she offers me coffee and an array of cereal bars - I get the feeling they might be a staple lunch for a busy journalist. She apologises for the mess and hauls a laptop onto her lap so she can scroll through the pages and pages of research she has, picking out relevant findings for me.

I've come to speak to her because despite all of this tight neoliberal logic, despite all the *investment*, and the need to *compete* for customers, and provide a *better* service it *seems* like Thames Water have started doing a terrible job. And I want to know why.

Before meeting Gill, I had looked into the company's structure to see how it worked and I'd *really* struggled to make sense of it.

Tilly And how just sort of out of interest, how did you go about finding out a company structure that's so do you have to sort of follow,

Gill So companies house will some have some records, uh, but yeah, no it's tangled and tricky and that's what makes it so hard to unravel these big companies.

Gill So yeah, so we'll see Thames was floated on the stock exchange in 1989, then it was acquired by Jim and utility group could RWE. And then since December, 2006, it was owned by a consortium of institutional investors, including funds from China and Abu Dhabi... And then it was managed by Macquarie, uh, which is, you know, as you know, the Australian newspapers have called it the vampire kangaroo... Uh, but that was the allegation at the time. Uh, and it's sold its final

stake in 2017 to Kuwait, Kuwait in Canadian investors. Uh, and they, I represented by a holding company called Kimball water holdings and they have another unit.

The list seems to go on forever. But - to simplify it - the way a private company is structured is that it's owned by whoever owns shares. You get shares in exchange for investment - putting money in (the investment that Thatcher was so excited about). When that company, say Thames Water, makes money, some of it goes to its shareholders, in a process called 'paying dividends'. The more shares you own, the more you're paid in dividends, but also the more say you have in what the company does: it's your money, after all.

In 2017, it seems that an Australian investment company called Macquarie owned the biggest stake of Thames Water, and so, therefore exerted the most control over it. That's easy enough, but... then it gets confusing.

Gill And then there's all these different intermediary companies -

Tilly How many?

Gill I had at the time and 2017, there were seven, uh, including one in the Caymans. But, but now I haven't looked at most recently, but yeah, they're always multilayered and often it's very hard to find out what these companies do or where the money flows, partly because they're off shore.

Tilly I was going to ask, why would you need seven intermediaries? It seems like a lot.

Gill Yeah. Why would you do that? Why are they doing this? I don't know it's...you know, it's an interesting...

If, as a customer of Thames Water, you want to talk to someone who actually owns the company, you have to follow the trail through seven other companies.

If you ask me, that's a bit of a weird and opaque structure for a company with a duty to protect public health and the environment. Especially because it means it's almost impossible to assign blame when something goes terribly wrong and serious mistakes are made.

Tilly And whatever, any kind of notable figures, was there anybody who sort of shouldered responsibility for these, these leakages?

Gill It seems not. It seems not. I mean, the Macquarie uh, you know, it was briefly shamed, I think for its ownership of Thames, but clearly there's no real punishment because it's recently taken over Southern water but yeah, clearly no punishment whatsoever.

That's the thing with a private company like Thames Water, you can't criminally prosecute anyone for doing a terrible job. The structure is *private* - so, you technically don't know who to blame and the most you can do is fine them. But, maybe sending them to prison for making a mistake feels a little harsh anyway, even if it is a mistake that turns our rivers into a toxic sludge.

Even if it's a mistake they seem to make *over* and *over* again...

Gill No, no, that's true. They had received previous fines, but much smaller. And I think, you know, one of the interesting parts to the story is the role of the regulations... I mean, giving water companies the right to self-monitor, their own pollution just seems crazy.

Tilly Yeah. I mean -

Gill It's marking your own homework, isn't it?

Thames Water monitoring their own pollution? This grabbed Gill's attention. So she tracked down Doug Kennedy, the guy who noticed the floating fish in 2013, and what she figured out changes everything.

Gill I mean, that was it journalists dream really that I managed to track him down, uh, and went and visited him and a really lovely part of the country. Um, and he had just come across dead fish on the river and started monitoring it.

Gill And then from there I sort of got interested in Thames Water. So, I sort of started covering it incrementally and then there was the run-up to the court case. And it just seemed hugely interesting because, and [extend pause] ultimately it did find that, you know, this company had [extend pause] deliberately dumped sewage into the teams and tried to mislead people about it.

For legal reasons drawing a conclusion here is a delicate dance, so I'll let you draw your own. Gill discovered they were monitoring their own pollution (or, marking their own homework) as she put it, and Judge Sheridan issued such a huge fine because he ruled the leaks were entirely *foreseeable* and *preventable*. What do you think? Was it purely incompetence or was it strategy? Had Thames Water been *choosing* to leak sewage - *millions* of litres of it - into our rivers.

If you're unsure, listen to what Gill figured out next - it's quite complicated and only the sort of thing an infrastructure correspondent would uncover - but it's worth it because once you understand it...it makes everything *clearer*. So, bear with me -

When she was looking into the company structure of Thames Water, she found that, due to some complicated regulatory system, Thames Water has a set limit on what they can charge customers, depending on what they themselves, Thames Water, spend on. Boring run-of-the-mill operating expenditures, like stopping leaks and installing water metres? They can't raise their prices for that, it's just them doing their job.

But big shiny *capital* expenditures? Like building that big fat *Super Sewer* I mentioned? Even if, as Gill discovered, it's been *advised against* because it's *overly expensive* and *complex*? Well, building something like that means they can hike their customer bills right up! Which is absolutely *great* for your shareholders, although maybe less good for the people who are paying for their water.

Except, of course, the only problem is that any juicy profit Thames Water makes from this price hike is diminished by the cost of actually building the thing that justifies that hike in the first place. Which is obviously annoying. So for these, Thames Water could then say these expenditures are too expensive for them to pay by themselves, and that they need to borrow taxpayer money from the government. They can write this off as debt that they never intend to pay.

Gill Um, and essentially they've taken on, taken on 51 billion pounds of debt since being privatised and paid out, [reduce pause] 56 billion in dividends and all that makes that came from your water bills. So essentially what it shows is that they *could* have funded all their capital expenditure, which is, you know, improvements to sewage pipes and sewage plants, um, without taking on any debt [cut before I go 'um']

Why bother with expensive operating expenditures when you can take a loan out that you never intend to repay, and use to fund an unnecessary project for which you can overcharge customers, and which you don't even need to deliver adequately?'

Here's the thing: what it *looks like*, is that Thames Water is doing a terrible job because it doesn't benefit their profit margin to do a good one.

If your goal is to make as much money as possible, then you might look at the operating costs of doing your job properly - like, stopping raw sewage from leaking into rivers - and *then* have a little look at the *finer* for failing to do that, and think, well... *actually*, we'd rather take the fines. That's an economic calculation that Thames Water was designed to make. It's a calculation that *all* private companies make.

When Thames Water pollutes the Thames with sewage, that's not because it's gone wrong. It's operating exactly as it's supposed to. As a private company, its priority isn't preserving the health of London's waterways: its priority is making money.

And if the quality of your service, as Thames Water, drops as a result of this? Well, that's the thing, it's not like the customers can run to another water company: they're a captive market, they live where they live, there's only one choice. You're *it*. So, you can do what you like.

Gill I mean, at the time the line I was sold was that yeah, Thames Water is the bad guy of the industry, you know, and all the water companies were keen to join and criticizing. Thames, as if Thames was the only one, but we know they're not the only one because if you look at Southern for example, then you'll also, you know, they've recently received an even bigger fine for doing exactly the same thing. And again, the judge has found that it seems deliberate that it's not just that they accidentally tipped extra sewage to that river, but they actually, in this case, they actually carted surge away in trucks from the sewage plant to avoid the environment, agency inspectors finding it. I mean, it seems preposterous, but it's the reality

If it's a bad apple, then perhaps it's because the whole damn tree is rotten: the issue here is the privatisation of our water. You'd have to pay for your water supply if it was state-owned... you'd pay for them to deliver it, clean it, sort sewage...the same stuff. But the difference is, it would be transparent, and they wouldn't be trying to make a profit in the same way.

Gill pointed out that the bottom line here is that there is a conflict between our interests and theirs, and that's a *bad set-up*. The companies themselves made this clear as day when in 2012 they petitioned the European Court of Justice to be able to keep any leakage information concealed from the public. We're a *private* company they argued, what business is it of theirs?

Part 3: A QUIET THEFT

Guy I mean, they're criminals, they're criminals...So, and you'll see, so the latest data

on not just Thames water, but, um, the, uh, the water system all together, they've all been convicted of corrupt of, uh, pouring untreated sewage. And yet they continue to do it because the fines they've got they've received are a tiny fraction of their profits so that they can do it with impunity.

This is Guy Standing - economist, professor, and author. He is, as you can tell, quite passionate about the state of things. That's what I like about him. I first heard him on another podcast where he was talking about inequality, about how important it was for everyone to have a bare minimum of freedom and respect, and he started crying. Crying is one way that his passion expresses itself. Here, it's more that he's just very pissed off.

Guy And one of the companies, has been deliberately manipulating information while polluting the rivers and the seashores for seven years. And they've, they've, they've confessed to doing it well, let me, th somebody should be in prison for that sort of thing

He points out that none of Thatcher's promises were realised: our bills are higher, so much so that the government actually had to step in and pay for a portion of some people's because they were deemed *unacceptably* high, and those old Victorian pipes? Never updated. And of course....our rivers are filthy.

Guy They get away with it! They've been convicted! But, but somehow the state doesn't seem to regard pouring billions of tons of untreated sewage and debt and dangerous lives as criminal activity. I think it should be a criminal activity because they're doing it deliberately and it's killed off vast numbers of birds and fish and affected the health of children. It's most of our rivers, you can't, you can't swim in them without endangering your health.

He's right. If you knew what was in our rivers - and I mean all of our rivers - you wouldn't want to go anywhere *near* them.

BBC anchor England's Rivers are filled with a chemical cocktail of sewage, agricultural waste and plastic, according to a cross-party group of MPs, and it's putting both public health and nature at risk. A new report released today finds that not a single river is free from pollution.

Not a single river in the United Kingdom is technically safe to swim in! Only 14% of them reach an acceptable ecological standard. It sounds dramatic but there is literally no other way to say it: the commons have been sold, and then degraded for the sake of profit.

It's not just our water supply. Guy has written a book. It's called Plunder of the Commons, and in it he details how *huge swathes* of our commons have been sold, by the government, to private entities without any democratic process. Without compensation, and without our permission.

It's our oil, our gas, our land, our forests, our agricultural land, our skyline, our minerals, our sea-beds, our fish. Guy shows how, when private companies try to make short-term profits out of commons that should last forever, the commons are inevitably degraded and exploited. Or, as he puts it, *plundered*.

Vitality Air *Close your eyes. Turn your face to the wind. Feel it sweep across your skin. Suddenly you know you're alive.*

This is an advert. In it a pretty woman closes her eyes in relief and breathes in, the wind lifting her curls. There are shots of cool, clean mountainscapes. Interspersed with quick flashes of a polluted cityscape, the flash of an underground train. Then back to sunlight filtered through leaves, a hand in the clean soil. A baby's face. More mountain shots.

Vitality Air *Oxygen. The source of every created thing. Body, mind and soul. So within the noisy, beating machine of your body, you breathe, patiently. It's a beautiful sound. It's your life At Vitality Air, we provide people with the key element of life. Clean air and oxygen. Vitality Air, enhancing vitality, one breath at a time.*

It's a beautiful advert. It gives a feeling of peace and calm. And what's it for? It's the market's solution to our problem.

TV host I've been waiting to talk to these guys all day. We've got Moses and Troy, thanks for coming in, from Vitality Air! This is a great thing. Let's talk about it. You guys get air, you bag it and you sell it. Where did you guys get this idea? I guess Troy we'll start with you.

Troy Uh, it was a crazy idea [laughs]. We know a lot of people who have travelled and people who have been over to Asia, India and Dubai and, just talk about how *poor* the air quality is. And we always say we have some of the best air in the world [sure] and, uh, we always thought it would be neat to try and capture it and get it to them. And find a way to send it back to them. 00:47

TV Host So, who's buying these products? Are we looking at, you know, athletes, younger

people, people with problems breathing or people climbing mountains? Troy, who's your target market here?

Troy So it's mainly going overseas. China [China!], Dubai, India, we had some stuff going to Bangkok!

What they're selling is *bottled AIR. Not like medical grade oxygen, just air*. And is it for people who have trouble breathing? Younger people? Partiers? For *athletes*? No, Troy makes it very clear: their market is people who live in places where the air pollution is dangerously high. Where you don't have access to clean air. So why not *sell* some to them.

Tanya My name is Tanya and I'm a full-time mum, and I gave birth in 2013 I read the news first and I saw there are two young men from Canada, they invented this bottle air. I trusted this product. It's very easy. It's like you open the cap here and then you pull off this cover, and then you put it here, and you press inhale. Very simple So you can get the fresh air from rocky mountain in Canada.

My daughters coughing. I can feel that in the past one or two months it's getting serious. She said 'I'm not comfortable going outside'. So, I decided to try everything I can do to protect our family. If we close down more factories, coal-mining companies, it will really solve the problem. However, it will affect the economy of the whole society. We are waiting for the wise people to give us the better solutions as well.

Tanya lives in China - the frontier of industry where lots of cities suffer from a toxic smog which is causing a health crisis. Only 8 cities meet air standards. And in Beijing? The pollution level is 36x the acceptable level. But according to the market, it's an acceptable side-effect of the economy growing.

Guy refers to air pollution as the ultimate commodification of the natural commons. If industry and private companies are destroying something owned by all of us - should they not pay a tax? To be discouraged, and us, compensated?

Instead, the market means: innovation happens...alternatives crop up. Like vitality air. \$32 for a bottle. A bottle has a minimum of 160 breaths. Just to save you from the maths, that's 50 cents a breath.

On their website it reads "Remember the day when people laughed off bottled water? "It comes out of a tap, why would I want a bottle?" The truth is that we have begun to appreciate the clean, pure and refreshing taste of quality water. Air is going in the same direction".

This reads more like a threat: the logical end point of neoliberalism and privatisation, you don't even have a right to air you can breathe, not unless you pay.

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The thing is, it's not about air, or water, or any one specific thing, environmental or otherwise.

Guy It's very, very important to see the commons as, as a set of things that we inherit, they belong to nobody in particular, but they belong to all of us. And this extends to the sea. It extends to ideas and extends to all our institutions, our cultural institutions. And, and I just hope you don't get drawn into this just saying about nature, the low hanging fruit stuff of, of the commons. It's important. Of course, it's important, it's vitally important but it must be seen as a totality.

The audio isn't great here, but in case you didn't catch that he said "I hope you don't get drawn into just saying it's nature. That's low hanging fruit stuff". Like I said, Guy cares about *people*. That's why the commons are so important to him. Because to think that the commons are about preserving nature? That's missing the point entirely.

The commons are about equality.

And they always were. The Charter was *never* about natural conservation for the sake of nature itself: it was about the commoners. Having access to nature was just a fundamental part of their freedom and security, being about to hunt, build, farm, forage. The commons were a shared wealth.

And that's exactly what they are now... just maybe less foraging. A thriving community is a source of wealth for those who inhabit it, providing freedom and security. A functioning healthcare system is a source of national wealth. Access to justice is wealth. Clean water is wealth. Libraries and access to books and information is wealth. Public wealth that is built collectively and then handed down from generation to generation.

*But...*when you put a price on the commons they stop being public wealth and they become private wealth - a commodity to buy and sell.

This is actually something that was identified all the way back in the 17th Century, by the Earl of Lauderdale: The Earl noted that there was an inverse correlation between public and private wealth: when one goes up, the other goes down. So, if we *increase* private wealth, it happens at the *expense* of public wealth. This is called the Lauderdale Paradox.

Despite recognising and naming this paradox, the Earl decided that wasn't anything to worry about: widespread privatisation, he said, wouldn't be allowed by society. Because...to take something *free* and *infinitely abundant* for everyone, like a sustainable commons, and make it scarce and profitable for a minority of people... would be incredibly unpopular. People wouldn't stand for it. Selling the commons to the wealthiest people, just so that they can charge the poorest people to use what used to *belong* to them ...surely...*surely* that would cause outrage?

Or, as the Earl put it: "The common sense of mankind would revolt, if we tried to create a scarcity of any commodity that is generally useful to man". And he was right, of course. People *did* revolt, literally - 800 years ago...and it resulted in the Charter of the Forest, a document enshrining our rights to the commons.

But no one's revolting now, even though Guy's research shows that private wealth has doubled since the 1970s, and net public wealth has fallen below 0%. Which basically means, private entities have become incredibly rich, and our governments are deep in debt. And our governments being deep in debt means austere measures for us. Restrict and reduce the social commons.

What the Earl of Lauderdale didn't count on, was that an ideology would come along, that rendered his paradox completely immaterial. **Poof!** Gone. No longer an issue. How has it done this?

Well, *neoliberalism* doesn't recognise the *existence* of public wealth, remember? So in their view nothing is lost when private wealth is gained. Afterall, Margaret Thatcher's famous quote was 'There is no such thing as society'. Converting social commons into private profit is purely a win.

To a neoliberal, there is certainly no reason to revolt, because there is no loss to be acknowledged. And we've all, unwittingly, become Neoliberals. Neoliberal logic has become second nature; its principles are now so embedded they're just seen as 'common-sense'. An economic ideology so dominant in the West, that we *forget it has a name*. "The Water We Swim In", economists call it, because we've lived in for so long, it's become invisible to us.

So, forget a *revolt*, in the face of our commons being sold off and degraded...we're barely aware of what's happening.

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Sound of a river, birds cheeping, wind etc.

Most people I interview over zoom are squirrelled away in offices or studies, usually surrounded by shelves of books. Not Guy Standing. Guy is talking to me from a 14th Century peasants mill in Italy, with a 9-metre waterfall of crystal-clear water outside.

In a way, the location is appropriate. The mill must have been built only about 100 years after the Charter of the Forest was sealed - and when it comes to solving our neoliberal problem, Guy believes that we should be looking backwards to what we've lost and finding ways to make it new. He wants a document that asserts our right to the commons, that says "hey, this is a *forest*, or a *river*, or our collectively owned health service, you can't just call shotgun. The commons belong to no-one, so they belong to everyone - and that public wealth should be protected". And, conveniently enough, he's written one.

It's a Charter. This one is called, "The Charter of the Commons". It's quite a large, complex document, and if you're interested in all the moving parts I encourage you to go and have a read of it. But I'll just break it down for you, because it's hell of a good starting point for tackling this issue.

It establishes, first of all, that the commons are owned by everyone, and should be protected for the benefit of *all*, including future generations, which means not using them up, or selling them off.

And if a company wanted to profit from them, in a way that depletes them - say fracking our gas - they would have to pay a tax on those profits. Same deal for pollution, things like carbon emittance. And this should make for a more ecologically sustainable society - we won't be hurtling towards irreversible climate change, because companies won't want to tear through resources and pollute in the same way, if it damages their profit margin.

And as for a more socially equitable society? We use the money from the taxes to put into a "Commons Fund". And that fund is used to manage the commons, but *also* to be redistributed to every single person in the country, as a source of modest supplementary income. A payment,

each month. Just like shareholders getting paid dividends from owning part of a company, we get dividends for owning part of the commons.

It's not a wild communist idea, it's something other countries have done. At one point we owned *a lot* of oil in the North Sea, and Thatcher (surprise surprise) sold most of it off to private companies. Norway *didn't*. They also have a lot of North Sea Oil, but it's owned by their people. And now, they have the biggest capital fund in the world, guaranteeing the wealth of every Norwegian citizen.

So maybe it's not such a crazy idea that we could create an income from the commons. It's still a way of gaining subsistence - like hunting deer - but modernised.

Guy We should think of the public wealth, the commons that we inherit from our ancestors as belonging to everybody. And the idea would be the basic income as a matter of common justice, it's a dividend on the collective public wealth inherit post. It should be paid equally to all because we don't know whose ancestors yours, mine, or everybody else's contributed more or less to our collective public wealth. And for me, this is a win-win-win situation because it reduces inequality and increases security, and it helps combat global warming, pollution, the threat of extinction.

Just by existing, the commons show us how inequality and climate change are inherently interlinked, both caused by a system not working as it should. Not valuing what it should. And so if we *change* that system, even a little, both inequality and climate change can be reversed *together*. Providing a Commons Fund would economically incentivise the protection of society's fundamentals, the things that ensure our security and freedom.

The funny thing is Neoliberalism is supposedly about freedom. That's its M.O, it's defining characteristic. Freedom for the individual, for innovation. A free market. But, when you look closely, you may start to wonder: freedom for whom? Freedom for companies to profit from exploitation, freedom from environmental regulations, freedom from trade unions and collective bargaining means. Freedom to poison rivers and accelerate climate change.

Freedom for the super-rich? Or for everyone else? As Guy puts it, freedom for the pike... or the minnow?

Neoliberalism has thrived because it offers *potential* freedom: the entirely *hypothetical* freedom to become millionaires. But perhaps if we concentrate on our *actual* freedoms, on restoring what is actually ours, we'll feel richer than we expected.

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You've been listening to *The Water We Swim In*. It's worth noting that since this episode was written, Southern Water has managed to out-do Thames Water and landed themselves an impressive 90-million pound fine. The spills and pollution has continued, along with the dividend pay-outs...but what's *new* is that people have started noticing. In the last few weeks, the privatisation of our water has hit the public discourse and these companies are being scrutinised in a way they never have been before - and it looks - if we use this moment to mobilise and apply pressure - things might have to change.

And, as I speak, Thames Water are reportedly drawing contingency plans for their collapse - turns out loading all that debt whilst also paying out millions to shareholders potentially *wasn't* a sustainable plan.

If you want to read more about it, or any of the topics discussed today; like nationalising our water, or reading Guy's Charter, head on over to our website waterweswimin.co.uk.

Next week, we're looking at what all this private wealth means for our democratic rights - and why, just because a man is making out with an aloe vera plant, that doesn't mean he's wrong about everything.

If you enjoyed the episode, please rate and review on iTunes. It helps other people find us.

Producing this episode was me, Tilly Robinson. Co-writing was Matthew Robinson. Mixing by Naked Productions, and original music by Drew McFarlane.