



## Developing the water commons? The (post)political condition and the politics of “shared giving” in Montana



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### ABSTRACT

This paper chronicles the rhetorical mechanisms that fostered a potentially radical re-thinking of water rights and property in a most unlikely place: the libertarian Western U.S., and mobilized by the least likely of actors: state officials. There is growing interest, in geography and beyond, in the question of what constitutes the “properly political” in contexts where dissent is actively forestalled by those with power. Much has been written about the “properly political” as the disruption of the established order by previously excluded actors. Comparatively less research, however, has focused on the “conditions of possibility” that might exist within ostensibly “post-political” governing arenas. This paper deepens our understanding of this by examining a participatory water planning group in Montana, which was convened by the state to develop recommendations for a new state water plan. The group was inspired by an alternative drought-management model called “shared giving.” Imbued with principles of “collectivism” and “equality,” the model was strategically (and necessarily) promoted through the *discursive shell* of the existing prior appropriation system. This was accomplished *not* by an oppositional force of marginalized actors, but state officials that are rarely, if ever, deemed “disruptive,” and through tactics that are best characterized as post-political. We interpret this case as reflecting a hybrid governing assemblage that highlights both post-political closure and transformative possibilities simultaneously, and conclude by suggesting that the post-political concept, itself, risks foreclosing on conditions whereby fruitful outcomes might become possible *from within* established governing frameworks otherwise written-off as post-political.

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### 1. Introduction

Over the past ten years, critical human geography has experienced a surge in interest in rethinking the meaning of democratic politics (Dikec, 2005; Swyngedouw, 2009, 2010, 2011; Staeheli, 2010; Purcell, 2013, 2014; Wilson and Swyngedouw, 2014). Based most notably on the political philosophy of Jacques Ranciere, Chantal Mouffe, and Slavoj Žižek, among others, this research thrust is generally concerned with the spatiality of politics and the question of what constitutes the “properly political” within a contemporary political landscape characterized as increasingly “post-political” or “post-democratic” (Crouch, 2004).

While this literature is increasingly diverse, there is a broad understanding of this post-political condition as marked by the foreclosure of “dissent” from governing arenas (across urban, rural, and multi-scalar contexts), especially that which challenges the existing system of political-economic hegemony (Žižek, 1999; Mouffe, 2005). As such, “there is only debate over the technologies of management, the arrangements of policing and the configuration of those . . . whose voice is already recognized as legitimate” (Swyngedouw, 2009: 610). Following Swyngedouw (2014: 123), this state of affairs becomes naturalized through:

“... the exclusion or containment of those who pursue a different political-economic model, or . . . inclusion of different opinions on anything imaginable (so long as it does not question fundamentally the existing neoliberal political-economic configuration) in stakeholder arrangements of impotent participation and “good governance.””

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In this context, genuine democratic politics, or what Žižek (1999) terms the “properly political,” is understood as the *disruption* of existing hegemonic governing systems or conditions. To Rancière (1999), it is not conflict or debate concerning prescribed issues, those issues sanctioned within the existing system. Rather, genuine politics is enacted when those previously excluded forcibly claim their rightful and legitimate voice by questioning who sanctions the issues, who is operationalizing the supposedly democratic practices in play, and whose interests are ultimately served. In this way, the existing system, in its institutionalized networks of power and sanctioned governing arenas, is never entirely depoliticized. This is, following Rancière (1999), precisely because this disavowal of radical dissent inevitably leads to the mobilization of disruptive activist movements intent on articulating the very concerns silenced through official governing channels (Beveridge et al., 2014).

While recognizing the broad legitimacy of these assertions, there is now an emerging critical commentary (see McCarthy, 2013; Larner, 2014) that communicates a growing sentiment that the “political/post-political” distinction, as portrayed above, is limited in accounting for the myriad “conditions of possibility” (Loftus, 2012; Purcell, 2013) that do not neatly fit within this domination-resistance dichotomy. In short, there is a need to empirically deepen our understanding of the (post)political condition to better identify the fruitful openings and unintended outcomes that might exist within the existing “order of things” (Rancière, 1999), especially that which could be nurtured into potentially transformative (and progressive) political trajectories.

Building on this critique, we empirically examine the contradictory contours of this (post)political condition in the context of a current water resource planning group in Montana: the Yellowstone Basin Advisory Council (YBAC). The YBAC, comprised of citizens representing a range of interests (i.e., agriculture, recreation, energy, and municipalities), formed as a state-initiated and led model of participatory “stakeholder” governance which was tasked with making recommendations for water management amid increasing water demands and a future of increased scarcity and drought.

Reflecting the socio-political climate in the Western U.S., the YBAC operated within an entrenched culture of libertarian values (Jobs, 1988; Reading et al., 1994; Pincetl, 2006; Peterson and Liu, 2008). At first glance, libertarian sentiments about individual autonomy, private property, and government infringement on the rights of citizens, appear to be consummate ideological bases for a core and celebrated feature of western water law: prior appropriation, the “hegemonic condition” highlighted in this study. Specifically, it is a legal doctrine underpinned by a notably privatized conception of water rights, where priority of water use (i.e., during episodes of drought) is given to the most senior water users, those property owners who have been “beneficially using” their water for the longest (DNRC, 2012).

However, despite repeated affirmation of prior appropriation, the YBAC ultimately supported more communal conceptions of water rights, ownership, and equity, as a means by which they might act collectively to avert local depletion and preserve as much of the existing water rights system as possible. In what follows, we examine two seemingly contradictory interpretations of the planning process that yielded this outcome. We begin with a review of relevant literature on post-politics, participatory governance, and the commons. Then, after a brief discussion of our case study and methods, we empirically chronicle, first, the YBAC and its post-political characteristics, and second, the strategies deployed by state officials in building consent for enhancing the capacity for local watershed groups to collectively prepare for drought and enhance water conservation practices. Both the dissent-quelling tactics utilized by state officials and the specific

details of the recommendations themselves appear to do little to disrupt either the dominant paradigm of prior appropriation or to facilitate transformative shifts in how water is managed in the watershed. In short, it would appear that post-political closure has been realized in the Yellowstone River Basin.

Yet, lurking within this post-political context, and more specifically in the recommendation advancing support for a more communal approach to dealing with water scarcity, is the opening for a *potentially* radical re-thinking of water rights and property in a most unlikely place: the Western U.S. Notably, the concept was also mobilized by, perhaps, the least likely of actors: state officials, individuals who are rarely, if ever, deemed “disruptive” of existing hegemonic conditions. Thus, we interpret the YBAC process as giving rise to a hybrid governing assemblage that highlights *both* post-political closure and transformative possibilities *simultaneously*. This raises the following question: when a new (and potentially disruptive) policy model emerges through a process carefully circumscribed by state officials, does this invariably, or by definition, neutralize its transformative power?

This study highlights how the post-political can incorporate seemingly inconsistent logics into its co-opting mechanisms, yielding all manner of unintended outcomes. As such, we conclude that the post-political concept, itself, risks foreclosing on conditions whereby fruitful outcomes become possible *from within* established governing frameworks (otherwise written-off as post-political). We suggest these kinds of phenomena should not be overlooked, and call for more empirical analyses of routine planning processes to better elucidate the hidden potentialities for substantive change beyond that which is immediately recognizable as such. Moreover, the state should also not *necessarily* be viewed as a negative force (McCarthy, 2005; Bakker, 2007), as our work reveals state actors assuming crucial coordinating roles in administering (the possibility of) a network of collectively managed water commons, especially in a libertarian climate where such collectivism is in need of cultivation.

## 2. The (post)political condition, participatory governance, and the “commons”

The literature on (post)politics and democracy in human geography is now expansive. Much attention has been directed to the ways in which the (post)political condition has been conceptualized (Purcell, 2013, 2014), with a general understanding of genuine democratic politics, following Rancière (1999), as the transformation of existing hegemonic conditions (from locally entrenched governing systems to broader political-economic power relations) by those who previously “had no part”—that is, those rendered silent and invisible—and by forcibly claiming their right to be heard and taken seriously. To Žižek (1999), the more that conflict within “sanctioned” governing arenas remains firmly within the bounds of acceptable debate, within the existing hegemonic order, the more this governing landscape is rendered de-politicized, or post-political, by the evacuation of radical forms of dissent. Thus, genuine democratic politics is about the *disruption* (and consequent transformation) of such depoliticized arenas and the power grids within which they are embedded, by questioning that which was previously unquestionable (Rancière, 1999; Swyngedouw, 2009, 2011).

However, there is disagreement over what precisely constitutes “properly” politicized or democratic outcomes. For Mouffe (1999, 2005), “agonistic pluralism” is promoted as the ideal democratic ethos and governing arrangement, a situation marked by full transparency of existing power relations and mutual respect and legitimacy between all adversarial voices and interest groups (despite their differences). For Rancière (1999), democracy is the actual

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