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Conclusion:  
Property and the Politics of Commoning



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## **4 Conclusion: Property and the Politics of Commoning**

### **4.1 Brief recapitulation.**

In the introduction the problematic of organisation together with the conceptual role of property in social organisation were identified as starting points for the essay. A map of the essay was followed by a selective review of the social history of the perennial nature of creative resistance to capitalism. The review led to an understanding of the conception of rights that underpins commoning. As collective rights, as collective powers-to, commoning is a counter point to exclusive, private property rights. The essay unfolded from there.

Chapter 1 asked questions concerning organisation and property in relation to the politics of Free Culture and Free Software. The libertarian values and liberal, economic conceptualisations that define Free Culture and Free Software, we saw, turn on a problematic distinction between the tangible and intangible realm, which results in a series of problems, specifically with regard to property.

Chapter 2 began to develop the tools needed for answering the questions raised in Chapter 1. A conceptual framework of property that allowed for an analysis of private property and commoning on equal terms was developed. The framework revealed various ways of reconfiguring property relations and thus facilitate self-articulation.

Chapter 3 brought the essay together by, starting from an anti-capitalist position, applying the tools and concepts developed in Chapter 2 as a response to the conflicts identified and questions raised in Chapter 1.

#### **4.2 Property and other laws of cyberspace.**

In order to conclude, I draw upon a famous analogy between law in society and code in cyberspace. Lessig (1999) observed that the protocols that facilitate the flow of bits and bytes through the Internet, in a sense, are laws of cyberspace. On that view they are technical codes that give structure to the distribution of, exchange of and communications about things between people. Lessig is right to point to this analogy between code and law in cyberspace, and a more precise analogy would be between *data* exchange protocols and *property* protocols. The Internet is a commons, an end-to-end architecture, that everyone – property arrangements in the tangible realm permitting – can share. Within it, people can create their own relational modalities with regard to things by collaborating on code and in the virtual spaces that code makes possible. The cyberspace commoners are articulating their own protocols of exchange and it is in defence of this freedom of self-articulation that commoners resist the enclosure of the Internet. Capital invasion of cyberspace through private interests is rebelled against precisely because it undermines the commons and facilitates the building of empires that are off-limits to commoners.

Two valuable lessons can be learned in cyberspace with regard to protocols of exchange: Firstly, the actual patterns of relations – when analysed in property terms - open up new understandings of property relations. In order to make sense of these patterns it is necessary to reflect critically on conceptions of property. This shows that property is highly modular and itself open-ended. Once the practices of commoning have been mapped onto the province of property new frontiers of social organisation open up that can nonetheless be articulated in terms of property relations. Secondly, the act of commoning is continuously replicated. The Internet instantiates a commons – a space without fences – and

Free Software emerges. Text editors to write more code, servers to host sites, tools to collaborate and free media in general show the power of commoning. It can unfold because it takes place in a space that is not yet enclosed. A space that has been created for common interest and not private gain. It is however a virtual commons. It has strong symbolic value and it gives meaning to a lot of people, but it has no body – or rather, it depends on arrangements in the tangible realm in a way that leaves it continually vulnerable to developments and initiatives in that realm.

Cyberspace is disembodied not only in the sense of being technologically mediated, or virtual, but also because it is continuously represented as if it were not highly dependent on the material realm for machines and minerals and energy. Understanding the dynamics of cyberspace in terms of property – the language of social relations with regard to things – is a good starting point for exploring the concept of property. It is a recursive process that generates a new understanding of property, which in turn might facilitate the emergence of further permutated relational modalities. If the world were a commons and property an open-ended toolbox for the self-articulation of value practices, then commons would probably blossom. Property seen through the lens of spontaneously emerging social relations – whether in cyberspace or landless movements in Brazil – opens the black box of property and reveals building blocks that can be recombined in very many ways. With an enriched understanding of property, private property might – in line with the anti-capitalist hopes that have animated this essay – be limited to (something like) personal possessions. Rights of commoning can then be substituted for private property in land, its resources, and the means of production and distribution.

### **4.3 Self-articulation.**

The relational modality that centrally defines the Free Software commons is reciprocity in perpetuity, which preserves equal access for all. The resource and the community are growing as they creatively, skilfully manage and develop in common and in a community that is autonomously constituted. We may say that the Free Software model of property points in a new direction for individuals, not back to a golden age, but forward, towards community forms. This movement maintains what has been gained in the name of the rights-holding individual. That is to say that the process of eradicating the commons that defined the period *from* the Great Charters *to* the American Declaration of Independence is reversed in the articulation of the GPL. The individual returns to the commons, but with an acquired and distinct individuality that is legally circumscribed. The hacker is a *neo-commoner* from whom we can learn. Rushkoff puts it thus:

“The very survival of democracy as a functional reality may be dependent upon our acceptance, as individuals, of adult roles in conceiving and stewarding the shape and direction of society. And we may get our best rehearsal for these roles online” (2004: 16).

As Rushkoff states, a system such as democracy requires care. As role models for saving democracy (from itself?) he identifies the commoners of cyberspace. This suggests that with a sense of belonging - when a space is shared and common - people both *do* and *can* make a difference. On that view, the distribution of care is better obtained when a resource, a realm, is shared. Indeed, cyberspace commoners are resisting measures that threaten and undercut their decision-making authority. What they seek is essentially a basic element of ownership, of property. They do

not want to exercise exclusion, because they realise that a shared realm can only be owned by everyone and not someone particular who has a right to exclude others.

I have suggested that it is the distribution of care – both of stewardship and active contributions – that is at issue here. For Aristotle it is a crucial element of property, but it has wrongly been inferred that the optimal distribution of care always obtains through exclusive, private property. There is no doubt that great pleasure – and sometimes appropriate care and responsibility – is associated with calling some thing your own, but where lies the limit? I have not argued for any such limits in this essay, because the exact extent of private property is not our primary question. Commoners of the land and commoners of cyberspace continue to show that care is distributed successfully when a thing is owned in common. A sense of belonging (to a commons) is arguably essential for this distribution of care, for “how immeasurably greater” is the pleasure to care for something to which you belong and which belongs to you.

The Free Software commons, furthermore, shows that when given space to unfold without constraints, organisation emerges spontaneously through relations of sharing and cooperation in a common vision. The lessons that we can learn from an understanding of Free Software conceptualised in terms of property, therefore, go far beyond the nature of software and to the core of social organisation. Arguably, these lessons suggest possibilities for social organisation beyond the nation state, thus transcending capitalist democracy.

#### **4.4 The politics of commoning.**

These possibilities, however, are subject to the conditions of politics and the material realm. As I argued in Chapter 1, the current politics of the Free Software, Free Culture and cultural environmentalism movements - turning upon misleading conceptions of property relations derived from the economic distinction between the tangible and the intangible realm - remains a liberal apologia. In order to realise the potential for revolutionary social change inherent in the Free Software model of property, therefore, it is necessary to consider it in conjunction with the anti-capitalist visions and politics that explicitly confront exclusive, private property rights based control over land, its resources, and the means of production and distribution in all realms. It has been my aim to provide a framework of property from which such a political project can commence.

Although I have not been able to argue it here, I believe the most fundamental commons is the commons of the land. The sharing of values, opinions, information and know-how is also fundamental, but it cannot feed you. Only the land and its resources can do that. The idea of a commons is given meaning through the instantiation of a commons, but a virtual commons without a political alignment with the commons of the land, is a disembodied commons which does not recognise its origins and the blood, sweat and tears with which it was essentially built and continues to be maintained materially. At best the virtual commons sits on the fence, at worst it will be blind to its own downfall. Left to liberal thinking - as exposed in this essay - the virtual commons is in danger of enclosure.

As commoners of the land know all too well, capital is relentless. Virtual commoners believe that as long as private interests do not operate on the basis of private property in the intangible realm,

then they pose no threat to the virtual commons. This is, I have argued, a naïve position: virtual commons are threatened in the first instance not by capital's expansion into the intangible realm, but by its very existence in the tangible realm. With fewer and fewer tangible resources left in the world to exploit, the intangible realm constitutes a new and much needed frontier for capital. With or without the direct use of private property, private interest will continue to seek profit. Wishing that your opponent did not exist – or leaving him to operate unseen behind the lines between tangible and intangible that you have drawn, but which he has never recognised – does not make him go away. The solution for the virtual commoners is to join the commoners of the land and begin to decode property, reconfigure it and take back control of the land and the means of production. I leave you with a hopeful assumption: If rights of commoning organised these real matters and if private property gave each commoner his and her basic freedoms to dwell, grow, build, exchange and be mobile there would be little, if any at all, threat to the virtual commons. In the end, there is only really one commons and that is the commoning body of the world.

This essay has also stressed that neither mere hopes nor virtually organised voices of protest are sufficient for such changes. It will be necessary to build alternative institutions that reflect this political vision, such as the embryonic examples of social centres and hacklabs, working collectively and reflecting on the way in which power tends to centralise in decision making processes and organisation in general. There can be no other return of the commoner, than the return of the commoner to the land.



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