

# Kommunistifesto

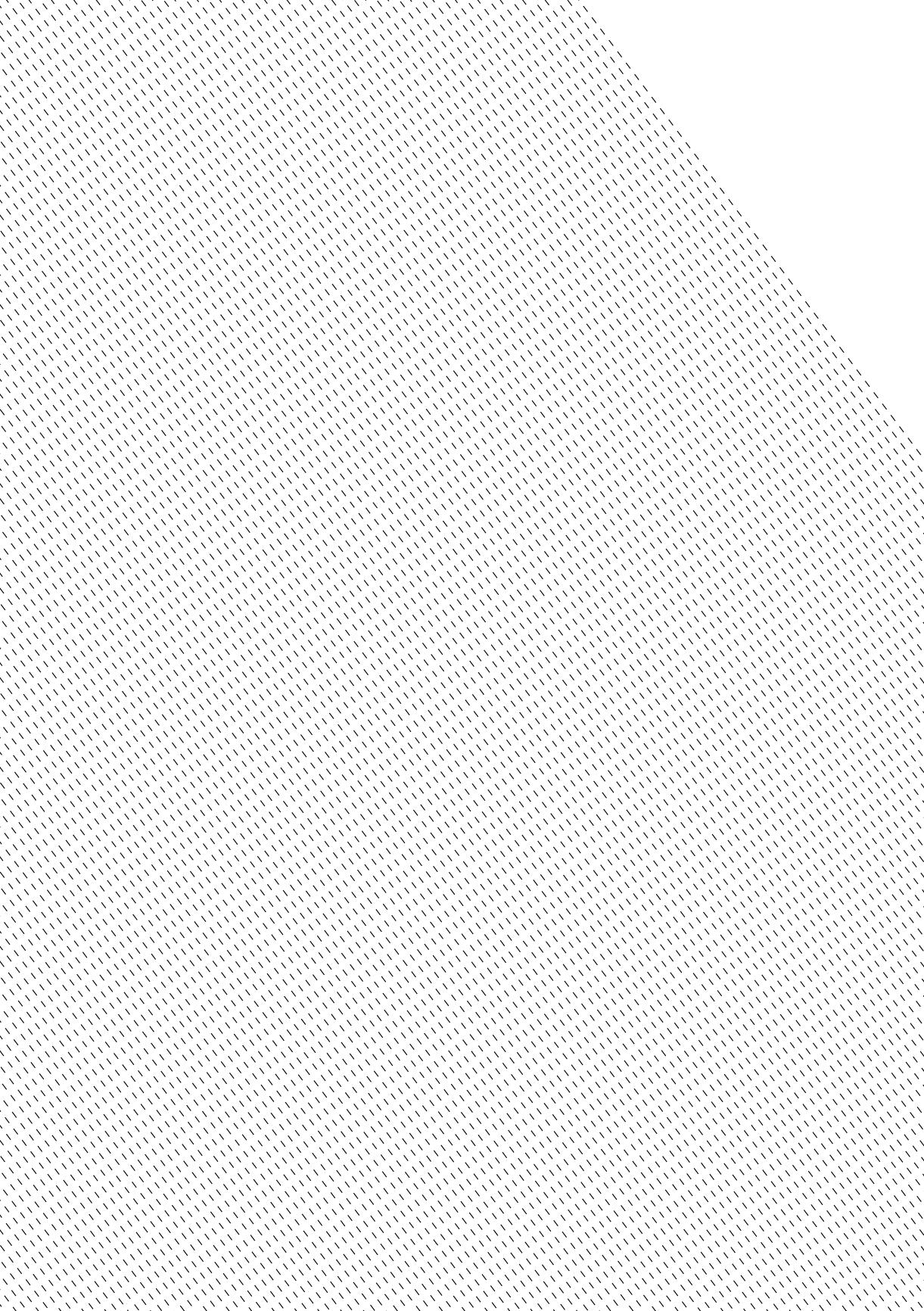
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# **The Telekommunist Manifesto**

**Network  
Notebooks<sup>°3</sup>**



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# Foreword

*I coined the term 'Venture Communism' in 2001 to promote the ideal of workers' self-organization of production as a way of addressing class conflict. Telekommunisten is a collective based in Berlin, Germany, where I have lived since 2003. I first encountered the term 'Telekommunisten' (which became the name of the collective) in 2005, while visiting the apartment of a friend. He and his roommate had given the name 'Telekommunisten' to the local area network used in their apartment to share internet access.*

Telekommunisten had been used as a derogatory term for Germany's former state telephone company, Deutsche Telekom, which is now a private transnational corporation whose 'T-Mobile' brand is known worldwide. The usage of communist here is intended to cast the telephone company as a monolithic, authoritarian, and bureaucratic behemoth. This is a completely different understanding to the positive use of the term as an engagement in class conflict towards the goal of a free society without economic classes, where people produce and share as equals, a society with no property and no state, that produces not for profit, but for social value. In this way, we are not simply a collective of worker-agitators toiling in the sphere of telecommunications. Telekommunisten promotes the notion of a distributed communism: a communism at a distance, a Tele-communism. A venture commune is not bound to one physical location where it can be isolated and confined. Similar in topology to a peer-to-peer network, Telekommunisten intends to be decentralized, with only minimal coordination required amongst its international community of producer-owners.

My background is in the hacker and art communities, where I have been active since the early 90s. My views have been developed and expressed in online and offline correspondence in the course of my involvement in software development, activism and cultural production. Although I have written a few essays over the years, those who know my work generally know me personally through encounters in electronic and physical social spaces. The present work is a 'Manifesto', not in the sense that it outlines a complete theoretical system, a dogmatic set of beliefs or the platform of a political movement, but in the spirit of the meaning of manifesto as a beginning or introduction. Matteo Pasquinelli, who pushed me to undertake this 'Manifesto', felt that my role as a background voice in our community was too underground and declared it was 'time to come out' with a published text. He connected me with Geert Lovink, who suggested the structure and approach of the text and offered to serve as editor and, through the Institute of Network Cultures, as its publisher.

*The Telekommunist Manifesto* is largely a cut-up, a reworking of texts I've produced and co-produced over the last few years. It incorporates significant passages from 'Copyright, Copyleft and the Creative Anti-Commons' produced in co-operation with Joanne Richardson and originally published under 'Anna Nimmus' on the *subsol* website. Much of the text regarding the commercialization of the internet is taken from 'Infoenclosure 2.0', co-written with Brian Wyrick and originally published in *Mute Magazine*. Credit is also due to *Mute Magazine* editors Josephine Berry Slater and Anthony Iles, for their work on 'InfoEnclosure 2.0' and 'Copyjustright, Copyfarleft', much of which is reused here.

Many people helped integrate and extend the original texts into a cohesive whole, in particular Rachel Somers Miles from the INC, and Elise Hendrick, Mathew Fuller, Christian Fuchs, Alidad Mafinezam, Daniel Kulla, Pit Shultz and Jeff Mann who provided detailed feedback. The Peer Production License included in this text as a model for a copyfarleft license was forked from a Creative Commons license with the help of John Magyar.



# Introduction

In the preface to *A Contribution to the Critique of Political Economy*, Marx argues that, 'at a certain stage of development, the material productive forces of society come in conflict with the existing relations of production'.<sup>1</sup> What is possible in the information age is in direct conflict with what is permissible. Publishers, film producers and the telecommunication industry conspire with lawmakers to bottle up and sabotage free networks, to forbid information from circulating outside of their control. The corporations in the recording industry attempt to forcibly maintain their position as mediators between artists and fans, as fans and artists merge closer together and explore new ways of interacting.

Competing software makers, like arms manufacturers, play both sides in this conflict: providing the tools to impose control, and the tools to evade it. The non-hierarchical relations made possible by a peer network, such as the internet, are contradictory with capitalism's need for enclosure and control. It's a battle to the death; either the internet as we know it must go, or capitalism as we know it must go. Will capital throw us back into the network dark ages of CompuServe, mobile telephones and cable tv rather than allow peer communications to bring about a new society? Yes, if they can. Marx concludes, 'no social order ever perishes before all the productive forces for which there is room in it have developed; and new, higher relations of production never appear before the material conditions of their existence have matured in the womb of the old society itself'.<sup>2</sup>

*The Telekommunist Manifesto* is an exploration of class conflict and property, born from a realization of the primacy of economic capacity in social struggles. Emphasis is placed on the distribution of productive assets and their output. The interpretation here is always tethered to an understanding that wealth and power are intrinsically linked, and only through the former can the latter be achieved. As a collective of intellectual workers, the work of Telekommunisten is very much rooted in the free software and free culture communities. However, a central premise of this Manifesto is that engaging in software development and the production of immaterial cultural works is not enough. The communization of immaterial property alone cannot change the distribution of material productive assets, and therefore cannot eliminate exploitation; only the self-organization of production by workers can.

This publication is intended as a summary of the positions that motivate the Telekommunisten project, based on an exploration of class conflict in the age of international telecommunications, global migration, and the emergence of the information economy. The goal of this text is to introduce the political motivations of Telekommunisten, including a sketch of the basic theoretical framework in which it is rooted. Through two interrelated sections, 'Peer-to-Peer Communism vs. The Client-Server Capitalist State' and 'A Contribution to the Critique of Free Culture', the Manifesto covers the political economy of network topologies and cultural production respectively. 'Peer-to-Peer Communism vs. The Client-Server Capitalist State' focuses on the commercialization of the internet and the emergence of networked distributed production. It proposes a new form of organization as a vehicle for class struggle: venture communism. The section ends with the famous program laid out by Marx and Engels in their *Communist Manifesto*, adapted into a Manifesto for a networked society.

Building on the previous section, in 'A Contribution to the Critique of Free Culture', the Manifesto continues with the history and misperceptions of copyright, the free software movement, anticopyright/copyleft dissent, and the political economy of free software and free culture. The challenge of extending the achievements of free software into free culture is addressed by connecting it to the traditional program of the socialist left, resulting in copyleft and offering the Peer Production License as a model.

This text is particularly addressed to politically motivated artists, hackers and activists, not to evangelize a fixed position, but to contribute to an ongoing critical dialogue.

# Peer-to-Peer Communism vs. The Client-Server Capitalist State

*Society is composed of social relations. These form the structures that constitute it. Computer networks, like economic systems, then may be described in terms of social relations. Advocates of communism have long described communities of equals; peer-to-peer networks implement such relations in their architecture. Conversely, capitalism depends on privilege and control, features that, in computer networks, can only be engineered into centralized, client-server applications. Economic systems shape the networks they create, and as networks become more integral to every day life, are in turn shaped by them. It is then essential to produce a critical understanding of political economy in order to comprehend emerging trends in network topology and their social implications.*

The history of the internet illustrates how this process has unfolded. The internet started as a network that embodied the relations of peer-to-peer communism; however, it has been re-shaped by capitalist finance into an inefficient and un-free client-server topology. The existence of peer-to-peer networks that allow producers to collaborate on a global scale has ushered in new forms of production. Such peer production has thus far been largely contained to non-tangible, immaterial creation, yet has the potential to be extended to material production and become a threat to the existence of capitalism. In order for this to take place, an alternative to venture capitalism needs to provide a means of acquiring and efficiently allocating the collectively owned material wealth required to build free networks and free societies.

We need venture communism, a form of struggle against the continued expansion of property-based capitalism, a model for worker self-organization inspired by the topology of peer-to-peer networks and the historical pastoral commons.

## THE CONDITIONS OF THE WORKING CLASS ON THE INTERNET

The only way to change society is to produce and share differently.

Capitalism has its means of self-reproduction: venture capitalism. Through their access to the wealth that results from the continuous capture of surplus value, capitalists offer each new generation of innovators a chance to become a junior partner in their club by selling the future productive value of what they create in exchange for the present wealth they need to get started. The stolen, dead value of the past captures the unborn value of the future. Neither the innovators, nor any of the future workers in the organizations and industries they create, are able to retain the value of their contribution.

This 'unretained' value forms the wealth that goes on to capture the next wave of innovation. This captured wealth is applied by its private owners towards political control, to impose the interests of property owners on society at the expense of the interests of workers. For innovation to be born and allowed to develop in, and for, the common wealth, we need venture communism. We must develop ways to create and to reproduce commons-based productive relationships.

Whether the products of labor are captured by commons-based producers or by capitalist appropriators will determine the kind of society we will have, one based on co-operation and sharing, or one based on force and exploitation. The venture communist struggle against class stratification could not be more vital. Not only does our society face the age-old afflictions of poverty and injustice, but it is becoming clear that the production levels required to sustain the accumulation of an elite few drive us repeatedly into war, and inevitably towards environmental catastrophe. Failure to achieve a more equitable society has consequences far graver than we can afford to bear. To succeed, the space, instruments and resources needed must be made available as a common stock, and employed in production by a dispersed community of peers, producing and sharing as equals.

Politics is not a battle of ideas; it is a battle of capacities. Ideas are powerful, and their development and implementation can certainly have a political impact; however, the development and implementation of ideas is determined not by their intrinsic value, but by the relative power of those who benefit from the idea versus those who are threatened. The capacity to change a social order requires the wherewithal to overcome competing capacities for, amongst other things, communication and lobbying. These capacities are, at their base, economic capacities. Change then requires the application of enough wealth to overcome the wealth of those who resist such a change. Such wealth arises only from production.

New ways of producing and sharing, then, are a precondition of any change in the social order. These new methods of production and sharing require the creation of new kinds of relationships, new productive relations, to constitute a new economic structure that is able to give rise to a new kind of society. No social order, no matter how entrenched and ruthlessly imposed, can resist transformation when new ways of producing and sharing emerge.

To reiterate, society is composed of social relationships, relationships that include relations of production. These relations of production constitute the economic structure of society, which give rise to the legal and political structures that further define it. Relations between buyer and seller, tenant and landlord, employee and employer, those born to wealth and privilege and those born to precarity and struggle, are all outcomes of these relations of production. These relations determine how things are produced and shared in society. Those who are able to control the circulation of the product of the labor of others can impose laws and social institutions according to their interests. Those who are not able to retain control of the product of their own labor are not able to resist.

Capitalism depends on the appropriation of value for its subsistence and growth. The disingenuous rhetoric of the 'free market economy' is a smoke screen to justify a system of privilege and exploitation, perhaps better called the 'casino economy'. There are certainly some conspicuous winners, but the odds always favor the house. Any organized attempt to beat the odds will be excluded, perhaps violently. In a genuinely free economy, competition among producers would reduce the price of everything to the lowest level. If commodities were traded in a truly perfect 'market', then land and capital, like labor, would never be able to earn any more than the cost of the production of provision. There could be no class that is exempt from working, as there would be no income to sustain such a class.

For a capitalist class to exist, the market must be rigged, and indeed, all markets are. Capitalism must increase the price of capital by withholding it from labor. In reality, the 'free market' is an imposition by property owners on to workers, while retaining their own privileges. Capital needs to make the price of labor low enough to prevent workers, as a class, from being able to retain enough of their own earnings to acquire their own property. If work-

ers could acquire their own property, they could also stop selling their labor to the capitalists. Capitalism, then, could not exist in a free market. The whole idea of the 'free market' is part of the mythology of capitalism. It is not possible within capitalism and just as unlikely to exist without it.

If 'freed' from the coercion of profit-seeking capitalists, producers would produce for social value, not for profits, as they do in their private and family lives, and as they do in non-capitalist communities. This is not to say that a free society would not have competition, or that its members would not seek to benefit from their own labor. Indeed, the division of labor required in a complex society makes exchange and reciprocity necessary. However, the metaphor of 'the market' as it is currently used would no longer hold.

The 'market economy' is, by definition, a surveillance economy, where contributions to production and consumption must be measured in minute detail. It is an economy of accountants and security guards. The accounting of value exchange in tiny and reductive lists of individually priced transactions must be superseded by more fluid and generalized forms of exchange. The motive to maximize profit from ownership, so often the driving force behind irrational and destructive forms of production, would give way to a much stronger motive for production: doing work that has direct benefits for our lives and our society, production that fulfills real world needs and desires.

Capitalist apologists will insist that these motives are one and the same, that profit is simply the financial reward for producing what the community needs, but this relationship is tenuous at best. While the increased price of goods in short supply does direct productive activities towards particular areas, the extraction of profit from this production by property owners does little to address social needs. When profit is the motive, price can be increased or costs reduced through predatory, exploitative and anti-competitive business practices, that do not contribute to the fulfillment of community needs. When workers are able to form their own capital, and thereby retain the entire product of their labor, the motivations to pursue such practices fade.

Without the need to account for and measure our consumption and production to appease the imposers of capitalist control, workers in a free society may not bother producing exclusively to maximize profit within a 'market economy'. Instead, they may decide to focus their efforts on producing what they want and what their community needs, and are motivated to share the products of their labor out of mutual respect. This type of economy does not resemble a 'market'.

The 'market' has become such a pervasive metaphor for 'free exchange' that the whole of society is frequently, and uncritically described in terms of a physical marketplace. A physical marketplace is not a free space. Control of the physical location of the market has always been the domain of hierarchy and authority, and proximity to the physical market is the textbook example of unearned income, referred to by economists as 'economic rent'. The market stall is a physical manifestation of the division between producer and consumer. None of these appear to be essential characteristics of a free society. Instead of an idealized and impossible 'free market', a workers' economy would be better conceptualized as a 'network economy', where independent participants exchange according their mutual desires within the context of a common platform, not centrally controlled by any of them, but composed of their own voluntary interconnections.

Capitalism depends on the state to impose control within the network economy, particularly to control relations through authorized channels, and thereby capture value that would otherwise be retained by its producers. Points of control are introduced into the natural mesh of social relations. The 'market economy' is then the imposition of the

‘unfree’ terms of a physical marketplace onto society broadly. The distinction between producer and consumer must be enforced so that circulation can be controlled. Hierarchy and authority must have privileged access.

The absurd and reductionist idea that we are to conceive of society itself as a marketplace is born from the imagination of capitalism, a paradise for the extortionist and the bookmaker. The means of imposing the relations of the marketplace on all of society is provided by the state. The state’s traditional role of mediating between the classes on behalf of the ruling class depends on its territorial sovereignty. The state’s ability to impose control on the network economy depends on the fact that the participants mostly interact within the state’s boundaries. Once the network expands beyond the state it has the potential to become a threat to the state itself, by undermining the territorially-based capture of value.

The state’s ability to grant title and privilege is based on its ability to enforce such advantages through its monopoly on the legitimate use of violence. Communications based on global peer networks have a chance to resist and evade the violence contained within such hierarchies. Social relations among transnational, trans-local communities operate within an extra-territorial space, one where the operations of title and privilege could give way to relations of mutual interest and negotiation.

Modes of production employing structures similar to peer-to-peer networks have relations reminiscent of the historic pastoral commons, long gone commonly held lands used for the maintenance of livestock and regulated by ancient rights predating modern laws and governments. The modern commons, however, is not located in a single space, but rather spans the planet, offering our society hope for a way out from the class stratification of capitalism by undermining its logic of control and extraction. Examples of such a potential mode of production can be readily found.

Peer networks, such as the internet, and all the material and immaterial inputs that keep them running, serve as a common stock that is used independently by many people. Free software, whose production and distribution frequently depends on peer networks, is a common stock available to all. Free software is produced by diverse and distributed producers who contribute to it because they gain greater value in using the software in their own production, than the value of their individual contributions to the software. Popular attacks on the royalties and fees (rents) captured by the recording and movie industries by users of file sharing technologies show us the difficulties faced by those whose incomes depend on controlling reproduction. Mass transportation and international migration have created distributed communities who maintain ongoing interpersonal and often informal economic relationships across national borders.

All of these are examples of new productive relationships that transcend current property-based relations and point to a potential way forward. Developments in telecommunications, notably the emergence of peer networks such as the internet, along with international transportation and migration, create broad revolutionary possibilities as dispersed communities become able to interact instantly on a global scale. Our lives and relationships no longer need to be confined to territorially bounded nation states. Though coercive elements in the political and corporate hierarchy impose ever more draconian controls in an attempt to prevent our resistance to, and evasion of, such confinement, we can place our revolutionary hopes in the possibility that the scale of change is simply so large that they can never fully succeed.

As bold as the emergence of peer-to-peer technologies, free software and international communities have been, the obstacles to social change are daunting. We must overcome

the great accumulation of wealth the capitalist elite have at their disposal. This wealth gives them the ability to shape society according to their interests. In order to change society we must actively expand the scope of our commons, so that our independent communities of peers can be materially sustained and can resist the encroachments of capitalism.

Whatever portion of our productivity we allow to be taken from us will return in the form of our own oppression.

Chief among the state's interventions into the network economy is its enforcement of property. Property is by its nature antagonistic to freedom. Property is the ability to control productive assets at a distance, the ability to 'own' something that is put to productive use by another person. Property makes possible the subjugation of individuals and communities. Where property is sovereign, there can be no freedom within its domain. The owners of scarce property can deny life by denying access to property, then make the living work like slaves for no pay beyond their reproduction costs.

In economic terminology, the income that owners receive, by appropriating the products of workers, is called rent. British classical political economist David Ricardo first described economic rent in the early 19th century. Put simply, economic rent is the income the owner of a productive asset can earn just from ownership itself. The owner earns rental income not by doing anything or making any sort of contribution, but just by owning.<sup>3</sup> In the terms of John Stuart Mill, the rent collector earns money even as he sleeps.<sup>4</sup>

Take for example two identical buildings, one in a major economic center, and one in a minor city. Both are built of identical materials, both require an identical amount of work to maintain, and there is no difference in terms of the costs that must be undertaken by the owners to bring these buildings to market as dwellings or commercial spaces. The building in the major city will, however, earn more income than the one in the minor city, notwithstanding the equal amounts of work and expense undertaken to maintain them. This difference is economic rent, and not rent in terms of the price you pay for housing. Rent is not collected for any contribution to production, but because of legal privilege, such as a title to a valuable location.

This does not mean that the owner does not contribute to the value of the property, such as through maintenance, only that the value of whatever contribution they make is not calculated as rent, but for example, as interest if it directly increases the value of the property. Rent, in economic terms, is the income earned for allowing others to use property; ultimately, this income is derived from the landlord claiming a portion of what the tenants produce as their own. This is not strictly about landlords, rent and property in a housing or building sense. As our ability to provide for our material subsistence requires access to the property that makes up our 'means of production', we must agree to transfer a portion of what we produce to those who allow us to access such means, or else we could not live.

The portion of a producer's productive output that can be demanded for the right to exist is the entire total of their productive output, minus the producer's subsistence costs. This is the conclusion reached by David Ricardo in his 1817 *On Principles of Political Economy and Taxation*,<sup>5</sup> and this is the basic bargaining position faced by all of us who are born into a world entirely owned by others.

In his 'Essay on Profits', Ricardo argues: 'The interest of the landlord is always opposed to the interest of every other class in the community'.<sup>6</sup> This analysis was not based on the social milieu, such as a general distinction between upper and lower classes, but rather on a relationship with the factors of production, land, labor or capital. This Ricardian model provides a logical basis for the idea that the classes, landlord, worker and capitalist, have diametrically opposed interests.

Upper class and lower class may imply an unfair society, but this distinction does not necessarily imply conflicting interests, and thus does not offer an understanding of the source of class stratification. As representative of the emergent capitalist class, Ricardo did not intend his critique of land rent to be extended to the income earned by capitalists. Critical commentators like William Thompson and Thomas Hodgskin, the best known of the 'Ricardian Socialists' did just that, arguing that profits earned by capitalists are just as exploitative and unearned as the rents of landlords, and that the interests of workers are opposed to the interests of both landlords and capitalists. From their work, the critique of 'capitalism', a term coined to draw an analogy with Feudalism, begins.

Socialism, and all other movements of the 'left', start with this class conflict as their point of departure. The belief that producers themselves should own the means of production was already common among socialists of the time, notably among the supporters of social reformer Robert Owen and the co-operative movement during the early 1800s. This understanding of class, based on a relation with the means of production, such as capitalist, landlord and worker, rather than categories such as rich and poor, noble, clergy or peasant, provided a solid intellectual foundation that allowed a more scientific socialism to emerge from its utopian roots.

Rent allows owners of scarce property to drive property-less workers to subsistence. As Ricardo explains, 'the natural price of labor is that price which is necessary to enable the laborers, one with another, to subsist and to perpetuate their race'. It is often claimed that this can be refuted because of the difference between the theoretical 'natural' price and the actual market price of labor, but such an argument is simply an equivocation, explains Ricardo, because market price fluctuates. Subsistence should not be taken to mean the bare minimum required to actually survive and reproduce. Even in Ricardo's time, most workers were generally not in the position that if they earned one penny less they would immediately fall over and die. Rather workers, by their very definition, are unable to earn enough to do anything more than make a living and struggle to live according to the acceptable standards of their community. These 'acceptable standards' are established in terms of the canons of taste and decency established by a predatory economic elite.

Thorstein Veblen, a Norwegian-American economist and sociologist whose work lays the foundation for the institutional economics movement, argues that, in a class society, all but the very richest are compelled to dispose of practically their entire income in order to live according to community standards of respectability, in what he calls 'conspicuous consumption' and 'conspicuous waste'. To not participate in conspicuous consumption is to face social exclusion and further reduced prospects of upward mobility.<sup>8</sup> 'Failure to consume in due quantity and quality becomes a mark of inferiority and demerit', Veblen argues in his 1899 *Theory of the Leisure Class*.<sup>9</sup>

Workers have more than cultural forces working against their ability to form capital from whatever earnings they retain beyond subsistence. So long as workers do not have property, whatever wage increases they gain are swept away by price inflation, most often as the result of increased money competition for locations and the increase of land rents. This is no secret to capitalist negotiators and their public sector collaborators. Reducing real wages by inflation as an alternative to reducing money wages works because of the 'money illusion'. As John Maynard Keynes, perhaps the most important economist of his day and the founder of modern 'macroeconomics' writes in his 1936 book *The General Theory of Employment, Interest, and Money*, 'it is sometimes said it would illogical for labor to resist a reduction of money-wages but not to resist a reduction of real wages [...] experience shows that this is how labor in fact behaves'.<sup>10</sup> Daniel Bell makes this process

clear in his paper 'The Subversion of Collective Bargaining', where he examines several cases of wage increases won by collective bargaining. Bell shows that these cases do not lead to a change in the general level of real wealth; rather in most cases, workers who received a wage increase had not increased their share of wealth, but wound up paying higher prices.<sup>11</sup>

Property is not a natural phenomenon; property is created by law. The ability to extract rent is dependent on one's ability to control a scarce resource even though it is in use by someone else. In other words, property entitles the property owner to force the other person to share the product of their labor. Property, then, is control at a distance. In this way, rent is only possible so long as it is supported by force, which is happily provided by the state to the owners of property.

Without a means to force those who put property to productive use to share the product of their labor with the absent and idle property owner, the property owner could not earn a living, let alone accumulate more property. As German revolutionary Marxist Ernest Mandel claims in 'Historical Materialism and the Capitalist State', 'without capitalist state violence, there is no secure capitalism'.<sup>12</sup> The purpose of property is to ensure that a property-less class exists to produce the wealth enjoyed by a propertied class. The institution of property does not benefit workers. This is not to say that individual workers cannot become property owners, but rather that to do so means to escape their class. Individual success stories do not change the class system. As Canadian political philosopher Gerald Cohen, proponent of Analytical Marxism, quipped, 'I want to rise with my class, not above my class!'<sup>13</sup>

The current global situation confirms that workers, as a class, are not able to accumulate property. A study by the World Institute for Development Economics Research at United Nations University reports that the richest 1% of adults alone owned 40% of global assets in the year 2000, and that the richest 10% of adults accounted for 85% of the world total. The bottom half of the world adult population owned barely 1% of global wealth. Extensive statistics, many indicating growing world disparity, are included in the report.<sup>14</sup>

The condition of the working class in society is largely one of powerlessness and poverty; the condition of the working class on the internet is no different. The requirements of control and privilege required by capitalism are being imposed on the internet, changing the topology of the network from one where peer-to-peer communism is embedded in its architecture, to one where client server applications have become central, and increasingly mediate and control all relationships.

## TRAPPED IN THE WORLD WIDE WEB

The revolutionary possibilities of the early internet lay particularly in the capacity for direct interaction between users. As such, the internet promised to be a platform where freedom of speech and association was built into the architecture. However, without most users noticing, the architecture of the internet is changing, and the topology of the network is being remade in such a way that not only serves the interests of capitalism, but also enables monitoring and control of its users on a scale never dreamed of before.

The internet took the corporate world by surprise, emerging as it did from publicly funded universities, military research, and civil society. It was promoted by a cottage industry of small independent internet service providers, who were able to squeeze a buck from providing access to the state-built and financed network. Meanwhile, the corporate world was pushing a different idea of the information superhighway, produc-

ing monolithic, centralized ‘online services’ like CompuServe, Prodigy and AOL. What made these corporate services different from the internet is that they were centralized systems that users connect to directly, while the internet is a peer-to-peer (P2P) network where every device with a public internet address can communicate directly to any other device.

While both users of CompuServe and the internet had access to similar applications, such as email, discussion groups, chat groups and file sharing, users of CompuServe were completely dependent on CompuServe for access, while users of the internet could gain access through any service provider, and could even choose to run their own servers. Platforms such as internet email, and internet relay chat were based on a distributed structure that no one owned or controlled. This structure was accepted by the most enthusiastic early adopters of the internet, such as public institutions and non-government organizations. However, capitalist investors were unable to see how such an unrestricted system would allow them to earn profits. The internet seemed anathema to the capitalist imagination.

The original dotcom boom, then, was characterized by a rush to own infrastructure, to consolidate independent internet service providers and take control of the network. Money was near-randomly thrown around as investors struggled to understand what this medium would be used for. Ultimately, the mission of these investors was largely successful. Their mission was to destroy the independent service provider and put large, well-financed corporations back in the driver’s seat. If you had an internet account in 1996 it was likely provided by a small local company. Ten years later, while some of the smaller companies had survived, most people were getting their internet access from gigantic telecommunications corporations, which persists even stronger today.

The internet is more than the Web, a term inaccurately used as a synonym for the entire network and all of the applications that run on it. The World Wide Web is a technology that runs on top of the peer-to-peer network that is the internet; however, it is unlike the classic internet technologies like email, IRC, Usenet etc. The Web is neither distributed, nor is it peer-to-peer; it is a client-server technology. The publisher of a website runs the servers and has exclusive control over the content and applications their website provides, including control of who should or should not have access to it. The users have control of the browser, the client software used to access the website. A website has more in common with CompuServe than a peer-to-peer system. The publisher has full control of the content and options available to users.

The Web started innocently enough as a platform for publishing text online; however, it rapidly became the focal point for organizations looking to commercialize the internet. From modest beginnings, as companies began to put brochures online, the commercial Web took off with the development of e-Commerce. At this point, the Web had not yet taken over online sharing. People used the Web to, for instance, browse a bookstore, but continued to employ distributed technologies to communicate with other users. However, soon enough the Web, funded by venture capital, would move in to make websites operated by large corporations the primary online social platforms. The internet itself would soon disappear behind the Web, and users would never again leave their browser.

Web 2.0 emerged as a venture capitalist’s paradise, where investors pocket the value produced by unpaid users, ride on the technical innovations of the free software movement, and kill off the decentralizing potential of peer-to-peer technology.

Wikipedia says that:

**WEB 2.0, A PHRASE COINED BY O'REILLY MEDIA IN 2004, REFERS TO A SUPPOSED SECOND GENERATION OF INTERNET-BASED SERVICES, SUCH AS SOCIAL NETWORKING SITES, WIKIS, COMMUNICATION TOOLS, AND FOLKSONOMIES, THAT EMPHASIZE ONLINE COLLABORATION AND SHARING AMONG USERS.<sup>15</sup>**

The use of the word 'supposed' is noteworthy. As the largest collaboratively authored work in history, Wikipedia should know. Unlike most of the members of the Web 2.0 generation, Wikipedia is controlled by a non-profit foundation, earns income only by donation, and releases its content under a copyleft license. It is telling that this Wikipedia entry goes on to say '[Web 2.0] has become a popular (though ill-defined and often criticized) buzzword among certain technical and marketing communities'.

The free software community has tended to be suspicious, if not outright dismissive, of the Web 2.0 moniker. Tim Berners-Lee, the creator of World Wide Web, dismissed the term saying that, 'Web 2.0 is of course a piece of jargon, nobody even knows what it means'. He goes on to note that 'it means using the standards which have been produced by all these people working on Web 1.0'.<sup>16</sup> In reality, then, there is neither a Web 1.0 nor a Web 2.0. There is only an ongoing development of online applications that cannot be cleanly divided.

In trying to define what Web 2.0 is, it is safe to say that most of the important developments have been aimed at enabling the community to create, modify, and share content in a way that was previously only available to centralized organizations that bought expensive software packages, paid staff to handle the technical aspects of the site, and paid staff to create content which generally was published only on that organization's site.

A Web 2.0 company, then, fundamentally changes the production of internet content. Web applications and services have become cheaper and easier to implement, and by allowing end users access to these applications, a company can effectively outsource the creation and the organization of their content to the end users themselves. Instead of the traditional model of a content provider publishing their own content and the end user consuming it, the new model allows the company's site to act as the centralized portal for users who are both creators and consumers. For the user, access to these applications empowers them to create and publish content that previously would have required them to purchase desktop software and possess a greater technological skill set. For example, two of the primary means of text-based content production in Web 2.0 are blogs and wikis. These allow the user to create and publish content directly from their browser without any real knowledge of markup language, file transfer or syndication protocols, and all without the need to purchase any software.

The use of web applications to replace desktop software is even more significant for the user when it comes to content that is not merely textual. Not only can web pages be created and edited in the browser without purchasing HTML editing software, photographs can be uploaded and manipulated online through the browser without expensive desktop image manipulation applications. A video shot on a consumer camcorder can be submitted to a video hosting site, uploaded, encoded, embedded into an HTML page, published, tagged, and syndicated across the web all through the user's browser. In Paul Graham's article on Web 2.0, he breaks down the different roles of the community/user more specifically. These include the professional, the amateur, and the user (more precisely, the end user). The roles of the professional and the user were, according to Graham, well understood in Web 1.0, but the amateur didn't have a very well defined place.<sup>17</sup> As Graham

describes it in 'What Business Can Learn From Open Source', the amateur just loves to work, with no concern for compensation or ownership of that work. In development, the amateur contributes to open source software whereas the professional gets paid for their proprietary work.<sup>18</sup>

Graham's characterization of the 'amateur' has an odd similarity to *If I Ran The Circus* by children's author Dr. Seuss, where young Morris McGurk says of the staff of his imaginary Circus McGurkus:

**MY WORKERS LOVE WORK. THEY SAY, "WORK US! PLEASE WORK US! WE'LL WORK AND WE'LL WORK UP SO MANY SURPRISES YOU'D NEVER SEE HALF IF YOU HAD FORTY EYESES!"<sup>19</sup>**

And while the term 'Web 2.0' may mean nothing to Tim Berners-Lee, who views recent innovations as no more than the continued development of the Web, for venture capitalists, who like Morris McGurk dream of tireless workers producing endless content without demanding a paycheck, it sounds stupendous. And indeed, from YouTube to Flickr to Wikipedia, you'd truly 'never see half if you had forty eyeses'. Tim Berners-Lee is correct. There is nothing, from a technical or user point of view, in Web 2.0 that does not have its roots in, and is not a natural development from, the earlier generation of the Web. The technology associated with the Web 2.0 banner was possible and in some cases readily available before, but the hype surrounding this usage has certainly affected the growth of Web 2.0 internet sites.

The internet has always been about sharing between users. Indeed Usenet, the distributed messaging system, has been operating since 1979. Since then, Usenet has been hosting discussions, 'amateur' journalism, and photo and file sharing. Like the internet, it is a distributed system not owned or controlled by anyone. It is this quality, a lack of central ownership and control, which differentiates services such as Usenet from Web 2.0.

If Web 2.0 means anything at all, its meaning lies in the rationale of venture capital. Web 2.0 represents the return of investment in internet start-ups. After the dotcom bust (the real end of Web 1.0), those seeking investment dollars needed a new rationale for investing in online ventures. 'Build it and they will come', the dominant attitude of the 90s dotcom boom, along with the delusional 'new economy', was no longer attractive after so many online ventures failed. Building infrastructure and financing real capitalization was no longer what investors were looking for. Capturing value created by others, however, proved to be a more attractive proposition.

Web 2.0 is Internet Investment Boom 2.0. Web 2.0 is a business model of private capture of community-created value. No one denies that the technology of sites like YouTube, for instance, is trivial. This is more than evidenced by the large number of identical services such as Daily Motion for online video sharing. The real value of YouTube is not created by the developers of the site; rather, it is created by the people who upload videos to the site. Yet, when YouTube was bought for over a billion dollars worth of Google stock, how much of this stock was acquired by those that made all these videos? Zero. Zilch. Nada. A great deal, then, if you are an owner of a Web 2.0 company.

The value produced by users of Web 2.0 services such as YouTube is captured by capitalist investors. In some cases, the actual content they contribute ultimately becomes the property of site owners. Private appropriation of community-created value is a betrayal of the promise of sharing technology and free co-operation. Unlike the dotcom boom era, where investors often financed expensive capital acquisition, software development and

content creation, a Web 2.0 investor finances marketing, the generation of hype and buzz. The infrastructure is widely available for cheap, the content is free and the cost of software, at least software that is not freely available, is negligible. Basically, through providing some bandwidth and disk space, it is possible to become a successful Web 2.0 site if you can market yourself effectively.

The principal success of a Web 2.0 company, then, comes from its relationship to the community. More specifically, success comes from a company's capacity to 'harness collective intelligence', as Tim O'Reilly puts it.<sup>20</sup> From this perspective, Web 1.0 companies were too monolithic and unilateral in their approach to content. Success stories of the transition from Web 1.0 to 2.0 were based on a company's ability to remain monolithic in its branding of content, or, better yet, in its ownership of that content, while opening up the creation of content to the community. Yahoo!, for instance, created a portal to community content while it remained the centralized location to find that content. eBay allows the community to sell its goods while owning the marketplace for those goods. Amazon, selling the same products as many other sites, succeeded by allowing the community to participate in the 'flow' around their products.

Because the capitalists who invest in Web 2.0 start-ups do not often fund early capitalization, their behavior is markedly parasitic. Web 2.0 capitalists frequently arrive late when value creation already has good momentum, swoop in to take ownership, and use their financial power to promote the service, often within the context of a hegemonic network of major, well-financed partners. This means that companies not acquired by venture capital end up starved of cash and squeezed out of the club.

In all these cases, the value of the internet site is created not by the paid staff of the company who run it, but by the users who use it. With the emphasis on community created content and sharing, it's easy to overlook questions of ownership of all this content, and the ability to monetize its value. These questions rarely come up for the user. They are part of the fine print in their Facebook Terms of Service agreement, or in the 'flickr.com' in the URL of their photos. Ownership often isn't an issue for the community, and is a small price to pay for the use of these wonderful applications. Since most users do not have access to alternative means to produce and publish their own content, they are attracted to sites like Facebook and Flickr.

It should be added that many open source projects can be cited as the key innovations in the development of Web 2.0: free software like Linux, Apache, PHP, Ruby, Python, etc. are the backbone of Web 2.0, and the Web itself. But there is a fundamental flaw with all of these projects in terms of what O'Reilly refers to as the 'core competencies' of Web 2.0 companies, namely control over unique, hard-to-recreate data sources that get richer as more people use them, and the harnessing of the collective intelligence they attract.<sup>21</sup> Allowing the community to contribute openly and to utilize that contribution within the context of a proprietary system where the proprietor owns the content is a characteristic of a successful Web 2.0 company. Allowing the community to own what it creates, though, is not.

Thus, to be successful and create profits for investors, a Web 2.0 company needs to create mechanisms for sharing and collaboration that are centrally controlled. The lack of central control possessed by Usenet and other peer-controlled technologies is, in the context of Web 2.0, a fundamental flaw. They only benefit their users, not absentee investors, as they are not 'owned'. Thus, because Web 2.0 is funded by the same-old capitalism, Usenet is mostly forgotten. While YouTube is worth a billion dollars, PeerCast, an innovative P2P live video streaming network that has been in existence for several years longer than YouTube, is virtually unknown.

From a technological standpoint, distributed and peer-to-peer technologies are far more efficient than Web 2.0 systems. Making better use of network resources by using the computers and network connections of users, peer-to-peer avoids the bottlenecks created by centralized systems. It also allows content to be published with less infrastructure, often no more than a computer and a consumer internet connection. P2P systems do not require the massive data centers of sites such as YouTube. Distributed systems also tend to have greater longevity. Usenet has been subsumed in some way by Google, who owns the largest Usenet archive and the most accessed Usenet web-based client, Google Groups. However, because of the distributed nature of Usenet, other means of access continue to exist in parallel, and while its role as an online platform has lost prominence, many newsgroups remain active. For instance, the Church of The SubGenius newsgroup, alt. slack, continues to be an important social forum for the popular US-based mock religion. The lack of central infrastructure also comes with a lack of central control, meaning an absence of censorship, often a problem with privately-owned 'communities' that frequently bend to private and public pressure groups and enforce limitations on the kinds of content they allow. Also, the lack of large central cross-referencing databases of user information has a strong advantage in terms of privacy.

From this perspective, it can be said that Web 2.0 is capitalism's pre-emptive attack against peer-to-peer systems. However, despite the many disadvantages in comparison to P2P, Web 2.0 is more attractive to investors and thus has more money to fund and promote centralized solutions. The end result is that capitalist investment has flowed into centralized solutions, making them easy and cheap or free for non-technical information producers to adopt. This ease of access, compared to the technically challenging and expensive undertaking of owning your own means of information production, has created a 'landless' proletariat ready to provide alienated content-creating labor for the new info-landlords of Web 2.0. The mission of Web 2.0 is to destroy the P2P aspect of the internet and to make you, your computer, and your internet connection dependent on connecting to centralized services that control your ability to communicate. Web 2.0 is the ruin of free, peer-to-peer systems and the return of monolithic online services.

A telling detail here is that most home or office internet connections in the 90s, such as modem and ISDN connections, were symmetric, equal in their ability to send and receive data. By design, these connections enable you to be equally a producer and a consumer of information. On the other hand, modern DSL and cable-modem connections are asymmetric, allowing you to download information quickly but upload slowly. Moreover, many user agreements for internet services forbid the user to run servers on a consumer account, and may cut off your service if you do.

Capitalism, rooted in the idea of earning income by way of idle share ownership, requires centralized control. Without such centralized control, producers have no reason to share their income with outside shareholders. So long as the financing of internet development resources comes from private shareholders looking to capture value by owning internet resources, the network will only become more restricted and centralized. While the information commons has the potential to play a role in moving society toward more inclusive modes of production, any real hope for a genuine, community enriching, next generation of internet-based services is not rooted in the creation of more privately owned, centralized resources, but rather in creating co-operative, P2P and commons-based systems owned by everybody and nobody.

To reiterate, although small and obscure by today's standards, with its focus on peer-to-peer applications such as Usenet and email, the early internet was very much a common,

shared resource. The commercialization of the internet and the emergence of capitalist financing has enabled the enclosure of this information commons, translating public wealth into private profit. Thus Web 2.0 should not be thought of as a second generation of either the technical or social development of the internet, but rather as the second wave of capitalist enclosure of the information commons.

The third wave of enclosure of the information commons is already coming into view. Cloud computing, provided by large corporations such as Google and Amazon, where customers do not own the physical infrastructure they use, is further centralizing the infrastructure of the internet. Additionally, legislation, such as the 'Telecoms Reform Package'<sup>22</sup> presented to the European Parliament, seeks to make it possible for service providers (large telecommunications conglomerates) to decide which websites their users are able to access. Capital is showing us their vision of the future of the internet, and the future looks a lot like CompuServe: monolithic, centralized, mediated, controllable and exploitable, and naturally, operated by a few large corporations.

Almost all of the most used internet resources could be replaced by peer-to-peer alternatives. Google could be replaced by a P2P search system, where every browser and every web server is an active node in the search process; Flickr and YouTube could also be replaced by PeerCast, BitTorrent and eDonkey-type applications, which allow users to use their own computers and internet connections to collaboratively share pictures and videos. However, developing internet resources requires the application of wealth, and so long as the source of this wealth is venture capital, the great peer-to-peer potential of the internet will remain unrealized. If we cannot find alternatives to capitalist financing, we will not only lose the internet as we know it, but also the chance to remake society in its P2P image.

## **PEER PRODUCTION AND THE POVERTY OF NETWORKS**

A freer internet cannot exist within the present system of capitalist financing. Arguments for the clear technical superiority of distributed technologies over centralized ones have not been the deciding factors in the ultimate development of our global communications infrastructure, which has become more consolidated, regulated and restrictive. The determining factor is, as always, the fact that those whose interests are served by restricting freedom have more wealth at their disposal to relentlessly push toward their ends than is available to resist them. The economic reasons for this are well understood; the numerically small class of capitalists are the beneficiaries of an unfair distribution of productive assets that allows them to capture the wealth produced by the masses of property-less workers.

If we want to have a say in the way communication networks are operated, or if we want to make any social reforms whatsoever, we must start by preventing property owners from turning our productivity into their accumulated wealth. The wealth they use to impose restrictions on our freedoms is the wealth they have taken from us. Without us they would have no source of wealth. Even the accumulated wealth from centuries of exploitation cannot ultimately save the economic elite if they are unable to continue to capture current wealth. The value of the future is far greater than the value of the past. Our ideas about network topology are ultimately no threat to capitalism, who can always co-opt, sabotage or simply ignore them. Rather, it is our new ways of working together and sharing across national boundaries that have the potential to threaten the capitalist order and bring about a new society.

Often discussions of the productive relations in free software projects and other collaborative projects such as Wikipedia attempt to bottle up commons-based production and trap it within the sphere of immaterial, intangible production, restricting it exclusively to a domain where it cannot affect wealth distribution and therefore play a role in class conflict. Yochai Benkler, Professor for Entrepreneurial Legal Studies at Harvard Law School, coined the term 'peer production' to describe the way free software, Wikipedia articles, and similar works are produced. Limiting his analysis to the so-called 'networked information economy', the novelty of peer production as understood by Benkler and many others is that property in the commons is entirely 'non-rivalrous property' that may be consumed by one person without preventing others from also consuming it at the same time. This non-rivalrous property could include broadcast radio, videos on the internet, or any network transferable or accessible resources like free software. Such property has virtually no reproduction costs. Also, another distinguishing feature of Benkler's limited concept of peer production is that it is 'non-reciprocal', meaning that producers do not receive direct remuneration for what they have produced since their products are available for free. For example, users of free software are not required to compensate the original developers.

There is no denying that Benkler's wealthy network has a lot to offer. The value of this information commons to its users is fantastic, as evidenced by the millions who, for instance, use free software, Wikipedia, online communications and social networking tools. However, if commons-based peer production is limited exclusively to a commons made of digital property with virtually no reproduction costs, how can the use-value produced be translated into exchange-value? Where is the money to pay for the production of these valuable things? Something with no reproduction costs can have no exchange-value in the context of free exchange. Anybody who wants a copy can obtain one from anybody that has one. But if what they produce has no exchange-value, how can the peer producers be able to acquire the material needs for their own subsistence?

The wealthy network exists within the context of a poor planet. The causes of poverty are not a lack of culture or information, but the direct exploitation of the producing class by the property-owning classes. The source of poverty is not reproduction costs but rather extracted economic rents, surplus value captured by way of forcing producers to accept less than the full product of their labor as their wage by denying them independent access to the means of production. So long as commons-based peer production is applied narrowly to only an information commons, while the capitalist mode of production still dominates the production of material wealth, owners of material property will continue to capture the marginal wealth created as a result of the productivity of the information commons. Whatever exchange value may be derived from the information commons, will always be captured by the owners of real property, which lies outside the commons.

For peer production to have any effect on general material wealth it has to operate within the context of an overall system of goods and services, where the physical means of production and the virtual means of production are both available in the commons for peer production. By establishing a commons-based peer production in the context of an information-only commons, Benkler is creating a trap, ensuring the value created in the peer economy is appropriated by property privilege. We have found Benkler standing on his head, and we will need to redefine peer production to put his head above his feet again.

The process of production in so-called 'immaterial, non-reciprocal production' is anything but immaterial. Computers and networks, as well as developers and their places of work and residence, are all very much material and all require material upkeep. What is immaterial is the distribution. Digitized information, source code or cultural works can multiply and

zip across global networks in fractions of a second, yet production remains a very material affair. If peer production can only produce immaterial goods such as software, and if producers get nothing in return for such production, then this form of 'production' has no right to be called a mode of production at all. First and foremost any mode of production must account for its material inputs or else it will vanish. These inputs must include the subsistence costs of its labor contributors, to, at a minimum, 'enable the laborers, one with another, to subsist and to perpetuate their race', in the words of Ricardo.<sup>23</sup>

Immaterial, non-reciprocal production cannot do so, since to produce free software, free culture or free soup, producers must draw their subsistence from some other source, and therefore immaterial, non-reciprocal production is not a form of production at all, only a special case of distribution within another form of production. Immortal, non-reciprocal production is no more a mode of production than a charity soup kitchen or socialized medicine. It is simply a super-structural phenomenon that has another mode of production as its base, capitalism.

Rather than placing emphasis on the immaterial distribution of what is produced by current examples of peer production, we may note instead that such production is characterized by independent producers employing a common stock of productive assets. This view of peer production is not categorically limited to immaterial goods. Understood this way, the concept of peer production, where a network of peers apply their labor to a common stock for mutual and individual benefit, certainly resonates with age-old proposed socialist modes of production where a class-less community of workers ('peers') produce collaboratively within a property-less ('commons-based') society. Unlike the immaterial, non-reciprocal definition, this formulation can account for material inputs, labor specialization and means of capital formation, and also more closely relates to the topology of peer networks from which the term is derived. This definition also more closely describes the production of free software, Wikipedia, and other works commonly offered as being examples of peer production.

Furthermore, this formulation is also better rooted in history, as it describes historical examples of commons-based production, such as the pastoral commons. As the distribution of productive assets is so much at the root of the inequality of wealth and power that perpetuates exploitative systems, a mode of production where productive assets are held in common is clearly a potentially revolutionary one. However, if this form of production is contained to the immaterial, if it can be categorized as immaterial by definition, then its producers cannot capture any of the value they create. This, it is worth noting, is precisely why Ivy League law professors and other elites prefer to maintain this limitation. However, if we can implement ways of independently sharing a common stock of material assets and thereby expand the scope of the commons to include material as well as immaterial goods, then producers who employ these assets in their production can retain a greater portion of the value of their product.

Peer production is distinct from other modes of production. Workers independently employing a common stock of productive assets is a different mode, distinct from both capitalist and collectivist approaches. The capitalist mode of production is exploitative by nature; its fundamental logic is to capture surplus value from labor by denying independent access to the means of production. However, collectivist modes can also be exploitative. For instance in co-operative production, in which producers collectively employ jointly owned productive assets, the distribution of productive assets is likely to be unfair among different co-operatives, allowing one to exploit the other. Larger scale collectivist forms, such as socialist states or very big diversified co-operatives, can be said to eliminate the sort of exploitation

that can occur between co-operatives. However, the expanding coordination layers needed to manage these large organizations give rise to a coordinator class, a new class consisting of a techno-administrative elite that has proven in historical examples to have the capacity to be just as parasitic and stifling to workers as a capitalist class.

A community of peer producers can grow without developing layers of coordination because they are self-organizing and produce independently, and as such they do not need any layers of management other than what is needed for the provision of the common stock of productive assets. Thus, coordination is limited to the allocation of the common stock among those who wish to employ it. It is no surprise then that this sort of production has appeared and flourished where the common stock is immaterial property, such as free software, as the low reproduction costs eliminate allocation concerns. Thus what is needed for peer production to be able to incorporate material goods into the common stock is a system for allocating material assets among the independent peers, which imposes only a minimal coordination burden. Venture communism is such a way.

## **VENTURE COMMUNISM**

Venture communism provides a structure for independent producers to share a common stock of productive assets, allowing forms of production formerly associated exclusively with the creation of immaterial value, such as free software, to be extended to the material sphere. Part of the apparatus that allowed the free software community to grow and spread was the creation of copyleft, a type of license that allows for the re-use of the software it covers, so long as the derived works are also licensed under compatible terms. By releasing software under such licenses, the work becomes a collective stock for all free software developers.

The core innovation of copyleft was to turn the copyright system against itself. The chief vehicle of asserting control under copyright is the license a work is released under, which establishes the terms under which others are permitted to use the copyrighted material. Copyleft effectively hijacks the existing apparatus that enforces privilege over intellectual assets, using the authority granted by the copyright license to guarantee access for all, and require that this freedom is passed on. This is consistent with copyright laws, and dependent on them, because without copyright and the institutions that protect it, there could be no copyleft.

Venture communism requires that this same freedom be extended to material productive assets. The chief vehicle for asserting control over productive assets is the firm. Venture communism is therefore based on a corporate form: the venture commune. Employing a venture commune to share material property hijacks the existing apparatus that enforces privilege, to instead protect a common stock of productive assets that is available for use by independent producers.

Legally, a venture commune is a firm, much like the venture capital funds of the capitalist class. However, the venture commune has distinct properties that transform it into an effective vehicle for revolutionary workers' struggle. The venture commune holds ownership of all productive assets that make up the common stock employed by a diverse and geographically distributed network of collective and independent peer producers. The venture commune does not coordinate production; a community of peer producers produce according to their own needs and desires. The role of the commune is only to manage the common stock, making property, such as the housing and tools they require, available to the peer producers.

The venture commune is the federation of workers' collectives and individual workers, and is itself owned by each of them, with each member having only one share. In the case that workers are working in a collective or co-operative, ownership is held individually, by the separate people that make up the collective or co-operative. Ownership in a venture commune can only be acquired by contributions of labor, not property. Only by working is a share in the commune earned, not by contributing land, capital or even money; only labor. Property is always held in common by all the members of the commune, with the venture commune equally owned by all its members. Thus, each member may never accumulate a disproportionate share of the proceeds of property. Property can never be concentrated in fewer and fewer hands.

The function of the venture commune is to acquire material assets that members need for living and working, such as equipment and tools, and allocate them to its members. The commune acquires this property when requested to do so by a member of the commune. The members interested in having this property offer a rental agreement to the commune, giving the terms they wish to have for possession of this property. The commune issues a series of bonds to raise the funds required to acquire the property, which then becomes collateral for the bondholders. The rental agreement is offered as a guarantee that the funds will be available to redeem the bonds.

Should this guarantee not be met, the property can be liquidated with the proceeds going to the bondholders. This series of bonds are sold in a public auction setting. If the bond sale clears, the commune acquires the property, and the rental agreement is executed transferring possession to the renter. The property returns to the commune whenever those renting it no longer require it, or are unable to meet the agreed terms, at which point the commune offers it once again at auction to its members, who bid on new rental terms. If there is no more demand for the asset it is liquidated. After the bonds that were issued to acquire an asset are fully redeemed, it becomes fully owned by the commune.

The remaining rental income the property earns is from then on divided up equally among all members of the commune and paid out to them. Proceeds from liquidated property are likewise divided. Because all the rent collected from property rental is divided up evenly among the members of the commune, those members who pay rent for property that is equal to the amount they would receive in return essentially get to use an equal share of the collectively owned property for free. What they pay in rent for the property is equal to the rent they receive back as a member of the commune. Members renting more than their per-capita share of the collective property will pay more, and presumably be choosing to pay because they are employing the property as a productive asset, and thus earning enough to pay.

Conversely, members using less than their per-capita share receive more in payment than they pay in rent, thus being rewarded for not hoarding property. The main activities of the venture commune, managing bonds and rental agreements, do not impose a high level of coordination and, just like the computer networks that manage the allocation of immaterial goods, are activities that are well suited for computerized automation. Many venture communes could exist, and as they become interrelated, merge together forming larger, and more stable and sustainable communities of commons-based producers.

Any change that can produce a more equitable society is dependent on a prior change in the mode of production that increases the share of wealth retained by the worker. The change in the mode of production must come first. This change cannot be achieved politically, not by vote, or by lobby, or by advocacy, or by revolutionary violence, not as long as the owners of property have more wealth to apply to prevent any change by funding their own candidates,

their own lobbyists, their own advocates, and ultimately, developing a greater capacity for counter-revolutionary violence. Society cannot be changed by a strike, not as long as owners of property have more accumulated wealth to sustain themselves during production interruptions. Not even collective bargaining can work, for so long as the owners of property own the product, they set the price of the product and thus any gains in wages are lost to rising prices.

Venture communism should not be understood as a proposal for a new kind of society. It is an organizational form with which to engage in social struggle. Venture communes are not intended to replace labor unions, political parties, NGOs and other potential vehicles of class conflict, but to compliment them, to tilt the economic balance of power in favor of the representatives of workers' class interest. Without venture communism, these other organized forms are always forced to work against opposition with much deeper pockets, and are thus doomed to endless co-option, failure and retreat. The only way is to stop applying our labor to property owned by non-producers and instead form a common stock of productive assets.

Venture communism is taking control of our own productive process, retaining the entire product of our labor, forming our own capital, and expanding until we have collectively accumulated enough wealth to achieve a greater social influence than those that defend exploitation. This new economic balance allows for change that is far greater than the modest goals of venture communism. A truly free society would have no need for copyleft, or venture communism; these are only practices around which workers can unite towards the realization of their historic role of building a classless society, a society of equals.

**WORKERS OF THE WORLD UNITE! YOU HAVE NOTHING TO LOSE BUT YOUR CHAINS. YOU HAVE A WORLD TO WIN.**

# The Manifesto of the Telekommunisten Network

*Forked from text extracted from Section 2 of The Manifesto of the Communist Party. Marx/Engels 1848.<sup>24</sup>*

The first step in the revolution by the working class is to raise the proletariat to the position of ruling class to **develop a network of enterprises where people produce for social value and share as equals, and to build and expand the economic size of these enterprises to raise the organized proletariat to the position of being the dominant economic class. Only when workers control their own production can we win the battle of democracy.**

The proletariat will use its political supremacy **expanding economic power** to wrest, by degree, all capital from the bourgeoisie, to centralise **decentralise** all instruments of production in the hands of the State, i.e., of the proletariat organised as the ruling class; **into a common stock directly in the hands of those whose production depends on it** and to **thereby** increase the total productive forces as rapidly as possible.

Of course, in the beginning, this cannot be effected except by means of despotic inroads **structuring our enterprises** on the rights of property, and on the conditions of bourgeois production; by means of measures, therefore, which appear economically insufficient and untenable, **and contrary to our ends**, but which, in the course of the movement, outstrip themselves, necessitate further inroads upon the old social order, and are unavoidable as a means of entirely revolutionising the mode of production.

These measures will, of course, be different in different countries **communities**.

Nevertheless, in most advanced countries **communities**, the following will be pretty generally applicable.

1. Abolition **Mutualization** of property in land **all instruments of production** and application of all rents of land to public **mutual** purposes.
2. A heavy progressive or graduated income tax. **Establishment of a guaranteed income in the form of a dividend paid to each member of the community equal in amount to their per-capita share of all mutually collected rent.**
3. Abolition of all rights of inheritance. **The right to membership of all who contribute their labor, and awarding of membership only by contribution of labor, not by inheritance, purchase or transfer of any kind.**
4. Confiscation of the property of all emigrants and rebels. **A binding agreement with all member enterprises to forgo all private ownership of their own productive assets, and instead take possession of what they need by renting it from the mutual common stock.**
5. Centralisation of credit in the hands of the state, by means of a national bank with State capital and an exclusive monopoly. **Establishment of a mutual bond market, where bonds are sold at auction for the purpose of building the common stock of productive assets.**
6. Centralisation of the means of communication and transport in the hands of the State. **Development of resources that put the means of communication and transport in the hands of all members.**

7. Extension of factories and instruments of production owned by the State; the bringing into cultivation of waste-lands, and the improvement of the soil generally in accordance with a common plan: *Provide to all enterprises the opportunity to acquire and extend the available instruments of production to the greatest degree possible.*
8. Equal liability of all to work. Establishment of industrial armies, especially for agriculture: *Equal opportunity of all to participate and produce.*
9. Combination of agriculture with manufacturing industries; gradual abolition of all the distinction between town and country by a more equable distribution of the populace over the country: *Abolition of all the distinction between producers and consumers and the transformation of relations from market based transactions to generalized distribution, where production of social value takes precedent over the production of goods for sale.*
10. Free education for all children in public schools. Abolition of children's factory labor in its present form. Combination of education with industrial production, &c, &c: *Establish knowledge and skill sharing networks and systems of support for all members, and provide opportunities to develop skills by contribution to production.*

When, in the course of development, class distinctions have disappeared, and all production has been concentrated ***distributed*** in the hands of a vast associations of ***spanning*** the whole nation ***world***, the public power will lose its political character. Political power, properly so called, is merely the organised power of one class for oppressing another. If the proletariat during its contest with the bourgeoisie is compelled, by the force of circumstances, to organise itself as a class, if, by means of a revolution ***self organisation***, it makes itself the ruling class, and, as such, sweeps away by force the old conditions of production, then it will, along with these conditions, have swept away the conditions for the existence of class antagonisms and of classes generally, and will thereby have abolished its own supremacy as a class.

In place of the old bourgeois society, with its classes and class antagonisms, we shall have an association, in which the free development of each is the condition for the free development of all.

# A Contribution to The Critique of Free Culture

*'We are in the midst of a revolution in the way that knowledge and culture are created, accessed and transformed', states the 'Charter for Innovation, Creativity and Access to Knowledge', something of a manifesto for the free culture movement.<sup>25</sup> This revolution is against a system of copyright that developed along with capitalism and has the exploitation of creators as its basis. It is in the context of the great disparity of wealth and the struggle between classes that any investigation of cultural production must be understood.*

Creating the conditions for the expropriation of creators has always been at the root of copyright. This has been a subject of critique and dissent among artists and authors as long as the notion of exclusive rights to ideas have been around. This includes many who embrace complete opposition to copyright in the form of anticopyright. The advent of digital culture and the popularity of file sharing has brought certain forms of such dissent into the mainstream, though often without the context of class struggle, and burdened by the common misconception that copyright was at one time created in order to protect cultural producers. This has led to projects like the Creative Commons, which professes to promote the creation of a common culture, but actually limits itself to promoting a more flexible model of private ownership.

As software production joined cultural production in the sphere of creating reproducible digital material, new forms of dissent and organization have emerged from the community of free software creators. The free software movement, and in particular its tremendous commercial success, produced methods and tools that have proven to be of great value to the free culture movement. Yet the free software movement has also created misconceptions, as the economics of goods intended for use by producers, such as software, are different than consumer goods, such as books, movies and music. In order to apply the powerful model of copyleft licenses, a form of licensing which guarantees the freedom of derivatives of such work, the differing economics of software and culture must be taken into account and made to be compatible with the emancipation of the working class broadly. Free culture cannot be sustainable in an unfree society that requires consumer goods to capture profits. Free culture can only be realized within the context of a free society.

While copyleft is very effective in creating a commons of software, to achieve a commons of cultural works requires copyfarleft, a form of free licensing that denies free access to organizations that hold their own assets outside the commons.

## COPYRIGHT IS A SYSTEM OF CENSORSHIP AND EXPLOITATION

The existence of 'copy rights' predates 18th century notions of the author's right to ownership.<sup>26</sup> From the 16th to the 17th century royal licenses gave exclusive rights to certain publishers to print particular texts. In 1557, an exclusive printing monopoly was granted through a Royal Charter to a London guild of printers, the Stationers' Company, because it assured Crown control over which books were published or banned. The first copyrights were publisher's rights to print copies, emerging out of the ideological needs of absolutist monarchies to control knowledge and censor dissent.

After the Licensing Act expired in 1694, the monopoly of the Stationers' Company was threatened by provincial booksellers, the so-called 'pirates' from Ireland and Scotland.

The Stationers' Company petitioned Parliament for a new bill to extend their copyright monopoly. But this was a different England from 1557, different from the Parliament that had executed King Charles I in 1649, abolished the monarchy and installed a republic under Cromwell, restored the monarchy with Charles II, overthrew James II in the Revolution of 1688, and, in 1689, passed the first decree of modern constitutional sovereignty, the Bill of Rights. This was now John Locke's England.

The philosopher John Locke was among the chief architects of the liberal state and the ideology of private property. To Locke, property was an extension of one's ownership of oneself. Since you own yourself, you therefore own what you produce. The right to property is created by labor. The English Parliament now took a view consistent with this outlook, and The Statute of Anne, enacted in 1709 by Parliament, proved to be a hard blow against the Stationers' Company. The Statute declared authors, not publishers, to be owners of their works and limited the copyright term to 14 years for new books and 21 years for existing copyrights. The Statute, which was subtitled 'An Act for the Encouragement of Learning, by Vesting the Copies of Printed Books in the Authors or Purchasers of such Copies, During the Times Therein Mentioned', created a marketplace for knowledge through competition. The Statute's aim was not to create an author's copyright, but to break the Stationers' Company's monopoly.

The principal players, in what the press hailed as the great cause of literary property, were not authors. Publishers sued each other in the courts, invoking the author's rights as a pretext in their battle for economic power. The notion of the author as an originator, with a natural right to own their ideas, may have been invented by artists and philosophers, but it was publishers who profited. Laws are not made by poets but by states, and states exist to enforce economic privilege, adopting whatever legitimizing philosophical framework they find convenient at any given time. The Statute of Anne codified the capitalist form of the author-publisher relationship. Authors had a right to own the products of their labor in theory, but since they created immaterial ideas and lacked the technological means to produce books, they had to sell their rights to another party with enough capital to exploit them. In essence, it was no different than any other sale of labor. The exploitation of the author was embedded in the intellectual property regime from its inception.

There are important differences between intellectual property and physical property. Physical property is scarce and finite, while intellectual property can be copied, often costs almost nothing to reproduce, and can be used simultaneously by anyone with a copy. It is exactly this characteristic of unlimited reproducibility that requires the copyright regime to make information into property. In the long term, the exchange value of any reproducible good is driven towards its reproduction cost by competition. Since there are few barriers to reproducing an information asset, it can have no exchange value beyond the labor and resources required to reproduce it. In other words, information has no long-term exchange value of its own. Thus, owners of this property (again, not to be confused with the producers) need laws to prevent this reproduction.

Only by making it illegal for others to reproduce the information can owners extract rent for the right to copy. Intellectual property, including copyright, is an extension of the structure of property to immaterial assets and information. Copyright is a legal construction that tries to make certain kinds of immaterial wealth behave like material wealth so that they can be owned, controlled, and traded.

In any system of property, musicians can no more retain ownership of the product of their labor than can workers at a textile sweatshop. The system of private control of the means of publication, distribution, promotion and media production ensures that artists and

all other creative workers can earn no more than their subsistence. Whether you are a biochemist, a musician, a software engineer, or a filmmaker, you have signed over all your copyrights to property owners before these rights have any real financial value, for no more than the reproduction costs of your work.

Pierre-Joseph Proudhon, nineteenth century French socialist and the first person to call himself an 'anarchist', famously argued that property is theft. According to this logic, if property is theft, than intellectual property is fraud. Property is theft not in a strictly legal sense, since the laws of the liberal capitalist state are the foundations of property. Property is theft in the philosophical sense, as in the Lockean concept of property as an extension of self-ownership, meaning that it is intrinsically unjust to take what you have not produced. Proudhon, like Thompson and Hodgskin before him, argues that the owner of property has no legitimate claim to the product of those who put their property to productive use.<sup>27</sup> Without recourse to force, property owners could not extract any more than the reproduction costs of the instruments they contribute to the productive process. A capitalist class, then, could not exist without denying workers independent access to the means of production.

In the words of American Individualist Anarchist Benjamin Tucker, 'the lender of capital is entitled to its return intact, and nothing more'.<sup>28</sup> Since common lands were previously not property, when the peasants of the pre-industrial age were denied access to common land by new enclosures, it can be said that their land was stolen. Furthermore, because they were forced into wage labor as a result of this expropriation, the institution of property itself is an institution of theft.

But if physical property can be stolen, can intelligence or ideas be stolen? If your land is stolen, you cannot use it anymore, except on the conditions set by its new private owner. If ownership of an idea is analogous to the ownership of material property, it should be subject to the same conditions of economic exchange, forfeiture, and seizure. And if seized, it would then cease to be the property of its owner. But if your idea is used by others, you have not lost your ability to use it, so what is really stolen? The traditional notion of property, as something that can be possessed to the exclusion of others, is irreconcilable with something as intangible as an idea. Unlike a material object, which can exist in only one place at a given time, ideas are infinite and non-exclusive. A poem is no less a poet's poem, despite its existence in the memories of a thousand others.

Every expression is an extension of a previous perception. Ideas are not original, they are built upon layers of knowledge accumulated throughout history. Out of these common layers artists create works that have their unmistakable specificities and innovations. All creative works reassemble ideas, words, and images from history and their contemporary context. Before the 18th century, poets quoted their ancestors and sources of inspiration without formal acknowledgement, and playwrights freely borrowed plots and dialogue from previous sources without attribution. Homer based the 'Iliad' and the 'Odyssey' on oral traditions that dated back centuries. Virgil's 'Aeneid' is lifted heavily from Homer. Shakespeare borrowed many of his narrative plots and dialogue from Holinshed.

This is not to say that the concept of plagiarism didn't exist before the 18th century, but its definition shifted radically. The term plagiarist (literally, kidnapper) was first used by Martial in the 1st century to describe someone who kidnapped his poems by copying them whole and circulating them under the copier's name. Plagiarism was a false assumption of another's work. But if a new work had similar passages or identical expressions to earlier ones, it was not considered such a false assumption, as long as the new work had its own aesthetic merits. After the invention of the creative genius, practices of collaboration, ap-

propriation and transmission were actively forgotten. The accusations of plagiarism directed at Coleridge, Stendhal, Wilde and T.S. Eliot for including expressions from their predecessors in their works reflected a modern redefinition of the term in accordance with modern notions of authorship and exclusive property.

Ideas are viral. They couple with other ideas, change shape, and migrate into unfamiliar territories. Regimes of intellectual property restrict the promiscuity of ideas and trap them in artificial enclosures, extracting exclusive benefits from their ownership and control. Intellectual property is fraud, a legal privilege to falsely represent oneself as the sole 'owner' of an idea, expression or technique and to charge a tax to all who want to perceive, express or apply this 'property' in their own productive practice. It is not plagiarism that dispossesses an 'owner' of using an idea, it is intellectual property, backed by the invasive violence of a state that dispossesses everyone from the use of their common culture.

The basis for this dispossession is the legal fiction of the author as a sovereign individual who creates original works out of the wellspring of his imagination and thus has a natural and exclusive right to ownership. Foucault unmasked authorship as a functional principle that impedes the free circulation, manipulation, composition, decomposition, and re-composition of knowledge.<sup>29</sup> The author-function represents a form of despotism over the proliferation of ideas. The effect of this despotism, and of the system of intellectual property that it shelters and preserves, is that it robs us of our cultural memory, censors our words, and chains our imagination to the law. And yet artists continue to be flattered by their association with the myth of the creative genius, turning a blind eye to how it is used to justify their exploitation and expand the privilege of the property-owning elite.

Copyright pits author against author in a war of competition for originality. Its effects are not just economic; copyright also naturalizes a certain process of knowledge production, de-legitimizes the notion of a common culture, and cripples social relations. Artists are not encouraged to share their thoughts, expressions and works, or to contribute to a common pool of creativity. Instead, they are compelled to jealously guard their 'property' from others who they view as potential competitors, spies and thieves lying in wait to snatch and defile their original ideas. This is a vision of the art world created in capitalism's own image, a capitalism that seeks to appropriate the alienated products of its intellectual and creative workers.

Joost Smiers, Professor Emeritus of Political Science of the Arts at the Utrecht School of the Arts, is among those who insist on the abolition of copyright. He argues that copyright centralizes media ownership by giving large media conglomerates an anti-competitive advantage that damages the position of artists. Artists would gain more from a level playing field consisting of a larger number of publishers competing for their services, than from the exclusivity of copyright.<sup>30</sup> Professor Smiers has a valid point regarding the market inefficiency of copyright. Copyright should be abolished. However, there is no reason to believe it *will* be abolished.

Copyright is far from the only market inefficiency in the contemporary capitalist market. Without market inefficiencies, capital would be unable to capture any more than its own reproduction cost in any branch of industry. The elimination of competition is central to the logic of capitalism. Without unfair advantages, a capitalist class of owners could not accumulate wealth and there could be no capitalism. Smiers is correct in his criticism of copyright, he is also correct when he goes further and denounces copyright as a form of censorship. However as with all political ideas, the abolition of copyright can only be implemented when those who support it can overcome the wealth of those who oppose it. This is not currently the case.

The private ownership of ideas over the last two centuries has not managed to eradicate the memory of a common culture, or the recognition that knowledge flourishes when ideas, words, sounds and images are free for everyone to use. Ever since the birth of the proprietary author, different individuals and groups have challenged the intellectual property regime and the 'right' it gave to some private individuals to 'own' creative works while preventing others from using and re-interpreting them.

In his 1870 'Poesies', a pair of texts discovered and revered by Surrealists Louis Aragon and André Breton, Uruguayan-born French poet Comte de Lautreamont called for a return of impersonal poetry, a poetry written by all. 'Plagiarism is necessary', Lautreamont stated, 'progress depends on it. It sticks close to an author's phrase, uses his expressions, deletes a false idea, replaces it with a true one'.<sup>31</sup> His definition subverted the myth of individual creativity used to justify property relations, in the name of progress, where the myth of individual creativity in fact impeded progress through the privatization of culture. The natural response was to re-appropriate culture as a sphere of collective production without acknowledging artificial enclosures of authorship. Lautremont's phrase became a benchmark for the 20th century avant-gardes. Dada rejected originality and portrayed all artistic production as recycling and reassembling, from Duchamp's ready-mades to Tzara's rule for making poems from cut-up newspapers, to the photomontages of Höch, Hausmann and Heartfield. Dada also challenged the idea of the artist as solitary genius, and of art as a separate sphere, by working collectively to not only produce art objects and texts, but also media hoaxes, interventions at political gatherings and demonstrations on the street. Its assault on artistic values was a revolt against the capitalist foundations that created them.

The ideas of Dadaism were systematically developed into a theory by the Situationist International (SI). The SI acknowledged that the practice of *detournement*, putting existing artworks, films, advertisements and comic strips through a detour, or recoding their dominant meanings, was indebted to Dadaist practices, but with a difference. They saw Dada as a negative critique of dominant images (one that depended on the easy recognition of the image being negated) and defined *detournement* as a positive reuse of existing fragments simply as elements in the production of a new work. *Detournement* was not primarily an antagonism to tradition; rather, it emphasized the reinvention of a new world from the scraps of the old. And implicitly, revolution was not primarily an insurrection against the past but a way of learning to live in a different way by creating new practices and forms of behavior. These forms of behavior included collective writings, which were often unsigned, and an explicit refusal of the copyright regime by attaching the labels 'no copyright' or 'anticopyright' to their works, along with the directions for use, such as: any of the texts in this book may be freely reproduced, translated or adapted even without mentioning the source.

Digitalization has proven to be much more of a threat to conventional notions of authorship and intellectual property than the plagiarism practiced by radical artists, or critiques of the author by poststructuralist theorists. The computer dissolves the boundaries essential for the modern fiction of the author as a solitary creator of unique and original works. Ownership presupposes a separation between texts, and between the author and reader. The artificiality of this separation is becoming more apparent. On mailing lists, newsgroups and open publishing sites, the transition from reader to writer is natural, and the difference between original texts vanishes as readers contribute commentary and incorporate fragments of the original in their response without the use of quotations. Attempts to copyright online writing appear increasingly absurd, as such, texts are often col-

lectively produced and immediately multiplied. As online information circulates without regard for the conventions of copyright, the concept of the proprietary author really seems to have become a ghost of the past. Perhaps the most important effect of digitalization is that it threatens the traditional benefactors of intellectual property since monopolistic control by book publishers, music labels and the film industry is no longer necessary as ordinary people are taking up the means of production and distribution for themselves.

## THE CREATIVE ANTI-COMMONS

The emergence of free software, file sharing, and art forms based upon sampling and reuse of other media has created a serious problem for the traditional copyright system. The music and film industries, in particular, are in the middle of what basically amounts to an all-out war against their own consumers to prevent them from downloading and sampling their property, their copyrights. It is clear that digital network technologies poses a serious problem for the recording and film industries. Dissent from copyright restrictions has had a rich history among avant-garde artists, zine producers, radical musicians, and the subcultural fringe. Today, the fight against intellectual property is led by lawyers, professors and members of government. Not only is the social strata to which the leading players belong very different, a fact that, in itself might not be such a particularly important detail, but the framework for the struggle against intellectual property has completely changed.

Before law professors like Lawrence Lessig became interested in intellectual property, the discourse among dissidents was against any ownership of the commons, intellectual or physical. Now, supporters of property and economic privilege occupy centre stage. The argument is no longer that the author is a fiction and that property is theft, but that intellectual property law needs to be restrained and reformed because it now infringes upon the rights of creators. Lessig criticizes the recent changes in copyright legislation imposed by global media corporations and their powerful lobbies, the absurd lengths to which copyright has been extended, and other perversions that restrict the creativity of artists. But he does not question copyright as such, since he views it as the most important incentive for artists to create. The objective here is to defend against intellectual property extremism, and absolutism, while preserving its beneficial effects.

In his keynote at Wizards of OS4 in Berlin, Lessig celebrated the read-write culture of free sharing and collaborative authorship that has been the norm for most of history. During the last century, as Lessig explained, this read-write culture has been thwarted by intellectual property legislation and converted to a read-only culture, dominated by a regime of producer-control.<sup>32</sup> Lessig bemoans the recent travesties of copyright law that have censored the work of remix artists like DJ Danger Mouse (*The Grey Album*) and Javier Prato (*Jesus Christ: The Musical*). Both artists were torpedoed by the legal owners of the music used in the production of their works, as were John Oswald and Negativland before them. In these cases, the wishes of the artists, rendered here as mere consumers in the eyes of the law, were subordinated to control by the producers - the Beatles and Gloria Gaynor, respectively - and their legal representatives. The problem is that producer-control is creating a read-only culture and destroying the vibrancy and diversity of creative production. It is promoting the narrow interests of a few privileged 'producers' at the expense of everybody else.

Lessig contrasts producer-control to the cultural commons (a common stock of value that all can use and contribute to). The commons denies producer-control and insists on the freedom of consumers. The 'free' in free culture refers to the natural freedom of consum-

ers to use common cultural stock, and not the state-enforced freedom of producers to control the use of 'their' work. In principle, the notion of a cultural commons abolishes the distinction between producers and consumers, viewing them as equal actors in an ongoing process.

Today, within the context of the Creative Commons (CC) project more specifically, Lessig claims that the possibility of a read-write culture is reborn. But is the Creative Commons really a commons? According to its website, Creative Commons defines the spectrum of possibilities between full copyright (all rights reserved) and the public domain (no rights reserved). Creative Commons also offers licenses that help you keep your copyright while inviting certain uses of your work, a 'some rights reserved' copyright. The point is clear: Creative Commons exists to help 'you', the producer, keep control of 'your' work. You are invited to choose from among a range of restrictions you wish to apply to 'your' work, such as forbidding duplication, forbidding derivative works, or forbidding commercial use. It is assumed that, as an author-producer, everything you make and everything you say is your property. The right of the consumer is not mentioned, nor is the distinction between producers and consumers of culture disputed. Rather than denying producer-control, Creative Commons legitimizes it, and enforces, rather than abolishes, the distinction between producer and consumer. It expands the legal framework for producers to deny consumers the possibility to create use-value or exchange-value out of the common stock.

This problem of creating 'commons deeds' for works that are not really a common stock is typical of the copy-just-right approach typified by the Creative Commons. Had the Beatles and Gloria Gaynor published their work within the framework of Creative Commons, it would still be their choice, and not the choice of DJ Danger Mouse or Javier Patro, whether *The Grey Album* or *Jesus Christ: The Musical* should be allowed to exist. The legal representatives of the Beatles and Gloria Gaynor could just as easily have used CC licenses to enforce their control over the use of their work. The very problem of producer-control presented by Lessig is not solved by the Creative Commons 'solution' as long as the producer has an exclusive right to choose the level of freedom to grant the consumer, a right that Lessig has never questioned. The Creative Commons mission of allowing producers the 'freedom' to choose the level of restrictions for publishing their work contradicts the real conditions of commons-based production. Lessig has no basis to use DJ Danger Mouse and Javier Patro as examples to promote the cause of Creative Commons.

Likewise, Lessig's praise of the free software movement rings false, because its architecture assures everyone (technologically as well as legally, in the form of its licenses) the possibility of using the common resource of the source code. Despite its claim to be extending the principles of the free software movement, the freedom Creative Commons gives to creators to choose how their works are used is very different from the freedom the General Public License, invented by free software guru Richard Stallman, gives to users to copy, modify and distribute the software as long as the same freedom is passed down. Stallman recently made a statement rejecting Creative Commons in its entirety, because some of its licenses are free while others are non-free, arguing that this confuses people into mistaking the common label for something substantial, when in fact there is no common standard and no ethical position behind the label.<sup>33</sup>

Whereas copyleft claims ownership legally, only to relinquish it practically, the references to ownership by Creative Commons are genuine, not ironic. Creative Commons' pick-and-choose licenses allow arbitrary restrictions on the freedom of users based on an author's particular preferences and tastes. In this sense, Creative Commons is

a more elaborate version of copyright. It doesn't challenge the copyright regime as a whole, nor does it preserve its legal shell in order to turn the practice of copyright on its head, as copyleft does.

The public domain, anticopyright and copyleft are all attempts to create a commons, a shared space of non-ownership that is free for everyone to use. The conditions of use may differ, according to various interpretations of rights and responsibilities, but these rights are common rights, and the resources are shared alike by the whole community. Their use is not granted arbitrarily on a case-by-case basis according to the whims of individual members, such as with the Creative Commons approach. The Creative Commons' mixed bag of cultural goods is not held in common, because it is the choice of individual authors to permit their use, or to deny it. Thus, Creative Commons is an anti-commons that peddles a capitalist logic of privatization under a deliberately misleading name. Its purpose is to help the owners of 'intellectual property' catch up with the fast pace of information exchange, not by freeing information, but by providing more sophisticated definitions for various shades of ownership and producer-control.

What began as a movement for the abolition of intellectual property has become a movement of customizing owners' licenses. Almost without notice, what was once a threatening movement of radicals, hackers and pirates is now the domain of reformists, revisionists, and apologists for capitalism. When capital is threatened, it co-opts its opposition. We have seen this scenario many times throughout history. Indeed, one of the most spectacular examples of such a co-optation is the transformation of self-organized workers' councils into a trade union movement that negotiates legal contracts with the owners of corporations. The Creative Commons is a similar subversion that does not question the 'right' to private property, but tries instead to get small concessions in a playing field where the game and its rules are determined in advance. The real effect of Creative Commons is to narrow political contestation within the sphere of the already permissible.

While narrowing this field of contestation, Creative Commons simultaneously portrays itself as radical, as the avant-garde of the battle against intellectual property. Creative Commons has become a kind of default orthodoxy in non-commercial licensing, and a popular cause among artists and intellectuals who consider themselves generally on the left, and against the intellectual property regime in particular.

The Creative Commons label is moralistically invoked on countless sites, blogs, speeches, essays, artworks and pieces of music as if it constituted the necessary and sufficient condition for the coming revolution of a truly 'free culture'. Creative Commons is part of a larger copyfight movement, which is defined as a fight to abolish 'intellectual property' and return to the mythic principles of pre-corrupted copyright law that 'genuinely' sought to protect authors' rights. The individuals and groups associated with this movement advocate what has been called a 'smarter intellectual property' or a reform of intellectual property that doesn't threaten free speech, democracy, competition, innovation, education, the progress of science, and other things that are critically important to our social, cultural, and economic well-being.

In an uncanny repetition of the copyright struggles that first emerged during the period of Romanticism, the excesses of the capitalist form of intellectual property are opposed through using capital's own language and presuppositions. Creative Commons preserves Romanticism's ideas of originality, creativity and property rights, and similarly considers 'free culture' to be a separate sphere existing in splendid isolation from the world of material production. Ever since the 18th century, the ideas of 'creativ-

ity' and 'originality' have been inextricably linked to an anti-commons of knowledge. Creative Commons is no exception. This view of the copyfight movement, a movement that includes Creative Commons, is inconsistent with the idea of 'free' in the history of free culture. For instance, the journal *Internationale Situationniste*, existing between the late 1950s and early 1970s, was published with the following copyright statement: 'All texts published in Internationale Situationniste may be freely reproduced, translated or adapted, even without indication of origin'.<sup>34</sup>

Even earlier, in a 1930's Woody Guthrie songbook distributed to listeners who wanted the words to his recordings, the following note was included:

**THIS SONG IS COPYRIGHTED IN U.S., UNDER SEAL OF COPYRIGHT #154085,  
FOR A PERIOD OF 28 YEARS, AND ANYBODY CAUGHT SINGIN' IT WITHOUT  
OUR PERMISSION, WILL BE MIGHTY GOOD FRIENDS OF OURS, CAUSE WE  
DON'T GIVE A DERN. PUBLISH IT. WRITE IT. SING IT. SWING TO IT. YODEL IT.  
WE WROTE IT, THAT'S ALL WE WANTED TO DO.**<sup>35</sup>

In these cases, what is evident is that the freedom insisted upon is the freedom of the consumer to use and produce, not the 'freedom' of the producer to control. If free culture is really intended to create a common stock for cultural peer production, then the framework provided must specifically be designed in such a way that it cannot be used to attack free culture. The terms presented by Woody Guthrie and the Situationist International pass this test. The Creative Commons does not. Moreover, proponents of free culture must be firm in denying the right of producer-control and denying the enforcement of a distinction between producer and consumer.

## **FREE SOFTWARE: COPYRIGHT EATS ITSELF**

If copyable information is made scarce only by law, it can also be made abundant by law. The practice of using copyright law itself as a form of dissent against copyright, called copyleft, grew to prominence in software development and in the rise of the free software community.

The General Public License (GPL) was the first copyleft license under which a large amount of free software has been released. Its inventor Richard Stallman claims that in the age of the digital copy, the role of copyright has been completely reversed. While it began as a legal measure to allow authors to restrict publishers for the sake of the general public, copyright has become a publisher's weapon to maintain their monopoly by imposing restrictions on a general public that now has the means to produce their own copies. The aim of copyleft more generally, and of specific licenses like the GPL, is to reverse this reversal.

Copyleft uses copyright law, but flips it over to serve the opposite of its usual purpose. Instead of fostering privatization, it becomes a guarantee that everyone has the freedom to use, copy, distribute and modify software or any other work. Its only 'restriction' is precisely the one that guarantees freedom, and that users are not permitted to restrict anyone else's freedom since all copies and derivations must be redistributed under the same license. Copyleft claims ownership legally, only to relinquish it practically, by allowing everyone to use the work as they choose as long as the copyleft is passed down. The merely formal claim of ownership means that no one else may put a copyright over a work that has a copyleft, to try and limit its use.

Copyleft licenses guarantee intellectual property freedom by requiring that the reuse and redistribution of information is governed by ‘the four freedoms’ of the Free Software Foundation. These are the freedoms to use, study, modify and redistribute.<sup>36</sup> Seen in its historical context, copyleft lies somewhere between copyright and anticopyright. The gesture by writers of anticopyrighting their works was made in a spirit of generosity, affirming that knowledge can flourish only when it has no owners. As a declaration of ‘no rights reserved’, anticopyright was a perfect slogan launched in an imperfect world. The assumption was that others would be using the information in the same spirit of generosity. But corporations learned to exploit the lack of copyright and redistribute works for a profit.

Stallman came up with the idea of copyleft in 1984 after a company made improvements to software he had placed in the public domain (the technical equivalent of anticopyright, but without the overt gesture of critique), privatized the source code and refused to share the new version. So in a sense, copyleft represents a coming-of-age, a painful lesson that relinquishing all rights can lead to abuse by profiteers. Copyleft attempts to create a commons based on reciprocal rights and responsibilities; those who want to share common resources have certain ethical obligations to respect the rights of other users. Everyone can add to the commons, but no one may subtract from it.

But in another sense copyleft represents a step back from anticopyright, and is plagued by a number of contradictions. Stallman’s position is in agreement with a widespread consensus that copyright has been perverted into a tool that benefits corporations rather than the authors for whom it was originally intended. But importantly, no such golden age of copyright exists. Copyright has always been a legal tool. By coupling texts to authors, it transformed ideas into commodities to turn a profit for the owners of capital.

This specific myopia about copyright is part of a more general non-engagement with economic questions. The ‘left’ in copyleft resembles a vague sort of libertarianism opposed to closed, nontransparent systems and totalitarian restrictions on access to information, rather than economic privilege or the exploitation of labor. Copyleft emerged out of a hacker ethic that comes closest to the pursuit of knowledge for knowledge’s sake. Its main objective is defending freedom of information against restrictions imposed by ‘the system’, which in part explains why there’s such a wide range of political opinions among hackers. It also explains why the commonality that links hackers together - the ‘left’ in Stallman’s vision of copyleft - is not the left as it is understood by most political activists.

The GPL and copyleft is frequently invoked as an example of the free software movement’s anticommercial bias. But there is no such bias. The four freedoms required by the GPL means that any additional restriction, like a non-commercial clause, would designate the work as non-free even if it complies with some of the freedoms. Keeping software ‘free’ does not prevent developers from selling copies they’ve modified with their own labor, and it also does not prevent redistribution by a commercial company that charges a fee, as long as the same license is passed down and the source code remains transparent.

This version of freedom does not abolish exchange, as some free software enthusiasts have claimed, nor is it even incompatible with a capitalist economy based on the theft of surplus value. The contradiction inherent in this commons is partly due to the understanding of proprietary as synonymous with closed-source or non-transparent. ‘Proprietary’ means having an owner who prohibits access to information and keeps the source code secret, it does not necessarily mean having an owner who extracts a profit, although keeping the source code secret and extracting a profit often coincide in practice. As long as the four conditions are met, commercial redistribution of free software is non-proprietary.

Virtually every office, every academy, and every factory relies on software in their day-to-day work. For all these organizations, the use-value of software can be directly translated into exchange-value in the course of their normal production, not by selling the software directly, but by doing whatever business they do, selling whatever product they sell, and using software to increase their productivity. Paying for software licenses and agreeing to the restrictive terms of such licenses is not in their interests. As a comparison to what David Ricardo said regarding landlords, the interest of a software company like Microsoft is always opposed to the interest of every software user.

The organizations that use software, namely schools, factories, offices, and e-commerce enterprises, collectively employ far more software developers within their organizations than the few companies who sell proprietary software, such as Microsoft. Thus, free software is very attractive to these organizations as it allows them to reduce their individual development costs by collectively maintaining a common stock of software assets. Thus, the use-value of free software is valued by organizations that can and do pay software developers to make it, even though they have no exclusive copyright on it. In endorsing free software and copyleft in order to reduce their own costs of production, technology giants like IBM have much in common with liberal capitalists like David Ricardo, who worked to overcome the advantages landlords had over capitalists through, for instance, working to lower the price of their means of production.

Yet free software was not conceived as merely a way to reduce the cost of corporate software development. Richard Stallman writes on his organization's website: 'My work on free software is motivated by an idealistic goal: spreading freedom and co-operation. I want to encourage free software to spread, replacing proprietary software that forbids co-operation, and thus make our society better'.<sup>37</sup> However, since free software cannot directly capture exchange value, producers of free software must still sell their labor to provide for their material subsistence. Copyleft is thus not able to 'make society better' in any material sense, as the majority of the exchange value created by producers of free software is captured by owners of material property who are able to provide for their subsistence. As copyleft cannot allow workers to accumulate wealth beyond customary subsistence, copyleft alone cannot change the distribution of productive assets or their output. Therefore copyleft has no direct impact on the distribution of wealth and power.

Not all free software is copyleft. All software licensed under the terms that provide the four freedoms of the Free Software Foundation is free software. Software is copyleft when, in addition, it proscribes that all derivative works also pass on these freedoms. The question then must be asked, to what degree copyleft really does benefit the free software movement?

Despite examples such as Stallman's formative experience, when his public domain software was appropriated and privatized in 1984, there are also ample counter examples of large-scale free software projects that continue to employ licenses that allow proprietary redistribution, such as various BSD-based operating systems and the hugely popular Apache web server. While a corporation can employ code from these projects in proprietary applications, it does so at a cost. By separating their development from the main free software project, they have to manually patch or re-implement code improvements from the free distribution into their own fork, and forgo help from the free software community in improving their own proprietary contributions. This means that companies that chose to make proprietary versions of free software need a strong business reason to do so. In practice then, this rarely happens, as proprietary versions tend to quickly fall behind the free software versions in functionality and thus lose their market value.

The most successful examples of proprietary use of free software comes from companies whose primary business is selling hardware, not software, such as Apple Computer or Juniper routers, both of which run proprietary versions of software derived from BSD-based projects. It should be noted that both Apple and Juniper make their software proprietary not to sell software, but to bundle it with their expensive hardware. This point is emphasized by the efforts of both companies to stop users from legally buying the software to run on cheaper commodity hardware. For example, consider Apple's efforts to thwart the Hackintosh project which offers instructions on getting Mac operating systems onto unsupported computers, as well as legal action against companies selling non-Apple hardware preloaded with legally purchased copies of its OS X.<sup>38</sup>

Examples like this demonstrate the emphasis on freedom embedded within copyleft. Apple's actions have not threatened the BSD-based free software projects they have drawn from. In fact, Apple has contributed to these projects. However, the terms of the BSD-style license allows Apple to add restrictions that enable them to control their users and deny their freedom in using their legally purchased software as they please. They would not have such an option if their operating system was based on copyleft licensed software such as Linux, which is published under the GPL.

Just as copyleft is in some ways a retreat from the ideological position of anticopyright, the political position of copyleft is very much a retreat from the ideological position of the socialist left. Even when it appropriates arguments against property from the left, copyleft limits the critiques to the narrow field of immaterial property. A particularly shameless example of this is Eben Moglen's 'dot Communist Manifesto',<sup>39</sup> an insulting pastiche of Marx and Engels' seminal manifesto, that invokes the 1848 call to arms for the working class to unite towards the abolition of capitalism only to instead demand for the abolition of intellectual property alone. The two 19th-century materialists would have understood that abolishing intellectual property would not free the working class of their chains. Moglen, Columbia University law professor and chief counsel for Stallman's Free Software Foundation, fails to engage with the issue of the institution of property itself, and thus has learned nothing from the position of the revolutionaries he smugly mimics.

Yet, despite the ideological and political retreats that copyleft represents, in the area of software development, copyleft has proved to be a tremendously effective means of creating an information commons that broadly benefits all those whose production depends on it. Indeed, the rise of the free software movement is rightly an inspiration to all who strive towards more equitable forms of producing.

The socialist left promotes the idea that wealth must be more justly and equitably shared and controlled by the people who produce it. Perhaps the best method of achieving this is through decentralized, worker-owned enterprises, co-operatives, and councils. For the same reason that capitalist organizations support free software, because it represents a common stock of use value they can apply to production, commons-based producers, and therefore all workers' self-organized enterprises, can also benefit from such a common stock of copyleft software and can incorporate software developers in their collective enterprises.

Free software is therefore valuable for workers' self-organized production, giving us a source of valuable capital, software that would have previously been exclusively controlled by proprietary corporations allowing us a possibility to retain a greater portion of the product of our labor. Perhaps just as important as retaining more of the product of our labor is the way the software community pioneers co-operatively organized large scale distributed projects, bringing together internationally dispersed contributors working towards the

development of valuable software. In this way, the free software movement makes important contributions towards the goal of ‘organizing industrially [and] forming the structure of the new society within the shell of the old’, the historic ideal of the Industrial Workers of the World.<sup>40</sup>

## **FREE CULTURE REQUIRES A FREE SOCIETY: COPYLEFT**

Despite copyleft’s beneficial role in forming a valuable common stock of software, it remains problematic when the model is retrofitted back to the domains of art and culture from which dissent against intellectual property sprung. Cultural works, unlike software, are a consumer good, not a tool for use in production, or a producer’s good. Producer’s goods, as mentioned earlier, are the assets used in production, such as the tools and equipment required to produce consumer goods sold for profit. Capital demand is distinct from consumer demand. Capital demand is the demand for producer’s goods; consumer demand is the demand for consumer goods. Capitalism doesn’t require that a profit be made on the production of capital goods because profits are made through the control of the circulation of consumer goods. Anything that decreases the cost of capital consequently increases the potential profit that can be captured through the sale of the goods. Failure to understand the difference between capital demand and consumer demand propagates the myth that the success of free software can be a template for free culture. Under capitalism, only capital can be free. That’s why software can be free, but culture cannot be free without more fundamental shifts in society.

Art is not, in most cases, a common input to production as software is. Thus, the demand for it is consumer demand, not capital demand. There are certainly cases in which artworks could be considered productive inputs, such as sound effects, clip art, music clips, and the like, and the tradition of artists drawing on the work of their predecessors has been discussed at length above; however, when we discuss the economics of content-based works, like poems, novels, films, or music, as well as entertainment-oriented software titles such as games, we are not talking about producer’s goods, but consumer’s goods. Capitalist publishing firms and entertainment industry giants will support the creation of copyleft software in order to employ it in production. However, in most cases, they will not support the creation of copyleft art. Why would they, as art is a consumer good, and the industry is not in the business of giving away consumer goods for free. They are in the business, however, of earning profits by controlling the distribution of consumer goods.

Like all copyable, reproducible information, content-based works have no direct exchange value, and, unlike software, they rarely have use value in production either. Use value exists only among the fans of these works, and, if owners of property cannot charge these fans money for the right to copy, why would they fund the production? And if owners of property will not support copyleft art, which is freely distributed, who will? The answer is unclear. In some cases, institutions such as private and state cultural funds will, but these can only support a very small number of artists, and only then by employing dubious and ultimately somewhat arbitrary selection criteria in deciding who does, and who does not, receive such funding.

The problem is obvious when attempting to translate copyleft to cultural works. If someone releases a novel under a copyleft license, and Random House prints it and makes a profit off the author’s work, Random House has not violated copyleft as long as the copyleft is passed down. To be ‘free’ means to be open to commercial appropriation, since freedom, in the terms of copyleft, is defined as the non-restrictive circulation of

information rather than as freedom from exploitation. It comes as no surprise that the major revision in applying copyleft to the production of artworks, music, and texts has been to permit copying, modifying and redistributing as long as it is non-commercial.

Wu Ming, a group of anti-intellectual property authors from Italy, claim it is necessary to place a restriction on commercial use, or use for profit, in order to prohibit the parasitic exploitation of cultural workers. They justify this restriction, and its divergence from the General Public License version of copyleft, on the grounds that the struggle against exploitation and the fight for a fair remuneration of labor is the cornerstone of the history of the left. Other content providers and book publishers, for example Verso, have expanded this restriction by claiming that copying, modifying and redistributing should not only be non-profit, but also in the spirit of the original, without explaining what this 'spirit' means.

Indymedia Romania revised its copyleft definition to make the meaning of 'in the spirit of the original' clearer after repeated problems with the neo-fascist site Altermedia Romania, whose 'pranks' ranged from hijacking the indymedia.ro domain to copying texts from Indymedia and lying about names and sources. Indymedia Romania's restrictions include, not modifying the original name or source because it goes against the desire for transparency, not reproducing the material for profit because it abuses the spirit of generosity, and not reproducing the material in a context that violates the rights of individuals or groups by discriminating against them on the basis of nationality, ethnicity, gender or sexuality because that contravenes its commitment to equality.

Other versions of copyleft have tried to add further restrictions based on a stronger interpretation of the 'left' in copyleft, based not on a negative freedom from restrictions but on positive principles, like valuing social co-operation above profit, non-hierarchical participation, and non-discrimination. The more restrictive definitions of copyleft attempt to found an information commons that is not just about the free flow of information, but sees itself as part of a larger social movement that bases its commonality on shared leftist principles. In its various mutations, copyleft represents a pragmatic, rational approach that recognizes the limits of freedom as implying reciprocal rights and responsibilities. These different restrictions represent divergent interpretations about what these rights and responsibilities should be. Yet, given the poor economic conditions of the majority of artists who reserve full copyright, the prospect of non-commercial mutations of copyleft improving the economic conditions of artists seems remote.

The chief advantage of reserving commercial rights as an artist is the ability to license work to the entertainment industry under other terms; as it is commercial, it doesn't qualify for free access under the terms of a non-commercial license. However, artists lack the resources to manufacture and distribute on a commercial scale. Thus, they are in fact reliant on those who have the capital to do so, and cannot bargain for anything more than their subsistence. In essence, selling their ideas is like other workers selling their labor. This is illustrated in 'Music Artists' Earnings and Digitisation: A Review of Empirical Data from Britain and Germany' by Martin Kretschmer, Professor of Information Jurisprudence at Bournemouth University, where he concludes that 'the creator has little to gain from exclusivity'.<sup>41</sup> Similarly, in his 2006 study 'Empirical Evidence On Copyright Earnings', Kretschmer states: 'Earnings from non-copyright, and even non-artistic activities, are an important source of income for most creators'.<sup>42</sup> This study includes many startling figures. For example, the median payment distributed by the Performing Right Society (UK) in 1994 to its copyright holders was £84.<sup>43</sup>

While non-commercial terms may provide a way to integrate artists who produce free culture into an otherwise proprietary entertainment industry, they do not challenge that proprietary entertainment industry or address the embedded exploitation in it. Non-commercial

terms are very problematic for those in the socialist left who advocate for workers' self-organized production, as these terms restrict the ability of non-capitalist enterprises to reproduce such works. Thus, such licenses are detrimental not only to the interests of artists but to all workers, as they are not compatible with the general objective of the socialist left: the creation of a worker-controlled economy.

In order for copyleft to mutate into a revolutionary instrument in the domain of cultural production, it must become 'copy-far-left'. It must insist on workers' ownership of the means of production. The works themselves must be a part of the common stock, and available for productive use by other commons-based producers. So long as authors reserve the right to make money with their works, and prevent other commons-based producers from doing so, their work cannot be considered to be in the commons at all and remains a private work. A copyfarleft license must not restrict commercial usage, but rather usage that is *not* based in the commons.

Specifically, copyfarleft must have one set of rules for those who are working within the context of workers' communal ownership, and another for those who employ private property and wage labor in production. A copyfarleft license should make it possible for producers to share freely and to also retain the value of their labor product. In other words, it must be possible for workers to earn remuneration by applying their own labor to mutual property, but impossible for owners of private property to make profit using wage labor.

Thus, under a copyfarleft license, a worker-owned printing co-operative could be free to reproduce, distribute, and modify the common stock as they like, but a privately owned publishing company would be prevented from having free access. In this way, copyfarleft remains free in the same sense as copyleft, despite restrictions on proprietary redistribution. Copyfarleft only prohibits subtraction from the commons, not contributions to it.

A copyfarleft license would allow commons-based commercial use while denying the ability to profit by exploiting wage labor. The copyleft non-commercial approach does neither, it prevents commons-based commerce, while not effectively restricting wage exploitation which requires a change in the distribution of wealth. Copyleft provides a solid foundation for software in commons-based productions. Copyfarleft could potentially provide a workable foundation for cultural works to also become part of the common stock employed by independent producers. Only the promotion of a workers' economy, not simply the prevention of commercial use, can change the distribution of wealth.

However, for copyfarleft to have an impact, it would need to be employed within the context of a nascent workers' economy that includes various forms of production, such as cultural and material (art as well as food, etc.). In the absence of such an environment, copyleft and its various mutations have little advantage for the majority of artists, for whom the prospects of gaining financially by way of commercial licensing are negligible. For these artists, anticopyright retains its strong appeal. Anticopyright is a gesture of being radical that refuses pragmatic compromises and seeks to abolish intellectual property in its entirety. Anticopyright affirms a freedom that is absolute and recognizes no limits to its desire.

While some mutations of copyleft have multiplied restrictions, others have rejected any restriction at all, including the single restriction imposed by the initial copyleft. It is the movement around peer-to-peer file sharing that comes closest to the gesture of anticopyright. The best example is the Copyriot blog by Rasmus Fleischer of Piratbyrån (Bureau of Piracy), an anti-intellectual property think tank, and the one-time founders of Pirate Bay, the best-known BitTorrent site in the P2P community. The motto of Copyriot

is 'No copyright. No license'. But there is a difference from the older anticopyright tradition. Fleischer claims that copyright has become absurd in the age of digital technology because it has to resort to all sorts of fictions, like distinctions between uploading and downloading or between producer and consumer, which don't actually exist in horizontal peer-to-peer communication.

Piratbyr n rejects copyright in its entirety, not because it was flawed in its inception, but because it was invented to regulate an expensive, one-way machine like the printing press, and no longer corresponds to the practices that have been made possible by current technologies of reproduction. However, despite the absurdity of the fictions on which copyright rests, the broader political context suggests that copyleft-inspired models also have an important role to play. The outright rejection of the legal environment is not always possible when practical considerations are taken into account. Building alternative ways of producing and sharing, 'building the new society within the shell of the old', requires us to operate within the capitalist legal system where the logic of capture and exploitation is embedded. While space for defiant gestures exist, we must also get on with the business of finding the forms and structures required to build and expand the commons. It seems clear that restrictions such as those of copyleft and copyfarleft serve to protect the commons and keep it free.

So long as copyright continues to exist, copyleft inspired licenses continue to be needed in order to allow for intellectual freedom within the copyright regime. Only when workers have achieved their historical role of creating a society without classes, can we create a truly free culture without restrictions.

# Peer Production License: A Model for Copyfarleft

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# Venture Communism and Copyfarleft

*'The State is a condition, a certain relationship between human beings, a mode of human behavior; we destroy it by contracting other relationships, by behaving differently....'*<sup>44</sup>

– Gustav Landauer

Proposing an approach to class struggle based upon venture communism and copyfarleft would be shocking to many revolutionaries due to the utilization of joint stock corporations, bonds, rental agreements, copyright licenses and the retention of the market exchange of the products of labor. Therefore, it must be noted that venture communism and copyfarleft are only a means of class struggle, not ideal goals in and of themselves. They are intended as a means of organizing production towards the goal of building the economic capacity required to engage in class conflict, and transform a capitalist system. In the words of the Industrial Workers of the World 'not only for everyday struggle with capitalists, but also to carry on production when capitalism shall have been overthrown. By organizing industrially we are forming the structure of the new society within the shell of the old'.

Capitalism, a mode of production where the worker earns only subsistence while property owners retain the remainder of the productive output, can only create a society where the interests of the property owner will be reflected in the social institutions, and the interests of subjugated producers. Both venture communism and copyfarleft have, as their goal, the creation of a productive commons that producers can use to accumulate mutual wealth, and thus work towards realizing their historic role of creating a society free of economic classes.

As long as producers operate within the capitalist mode of production, they cannot change society politically. Whatever wealth producers can apply to influencing social institutions must come from the share of production they retain, and thus will always be smaller than the share retained by the owners who can use it to prevent change. When we employ a commons of productive assets, which have no individual owners but are collectively owned, we retain the wealth we create, and thus the possibility for a new society is within our grasp.

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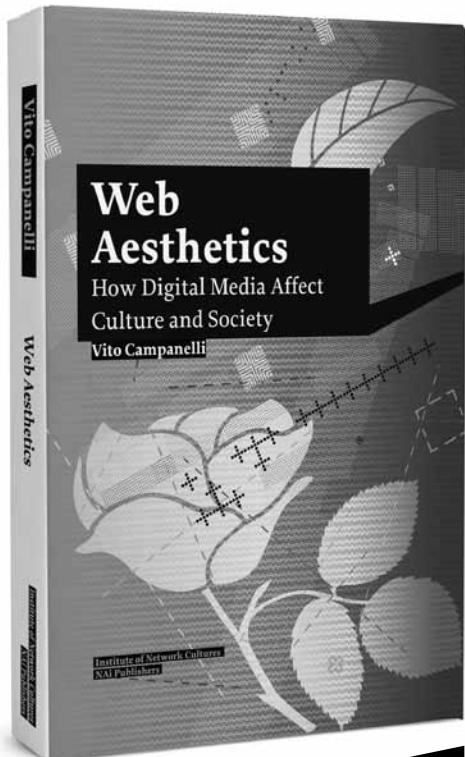
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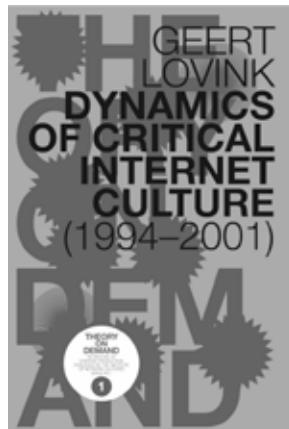
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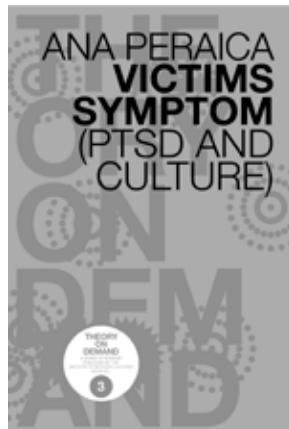
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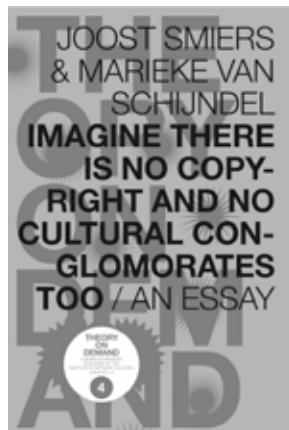
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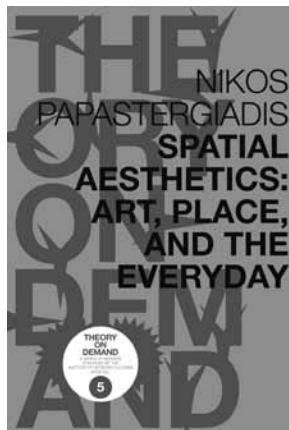
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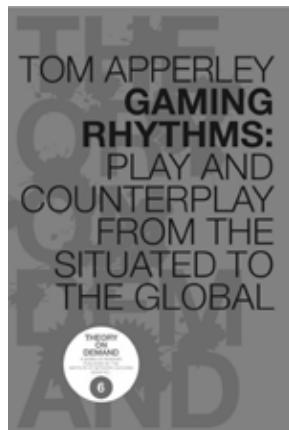
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In the age of international telecommunications, global migration and the emergence of the information economy, how can class conflict and property be understood? Drawing from political economy and concepts related to intellectual property, *The Telekommunist Manifesto* is a key contribution to commons-based, collaborative and shared forms of cultural production and economic distribution.

Proposing 'venture communism' as a new model for workers' self-organization, Kleiner spins Marx and Engels' seminal *Manifesto of the Communist Party* into the age of the internet. As a peer-to-peer model, venture communism allocates capital that is critically needed to accomplish what capitalism cannot: the ongoing proliferation of free culture and free networks.

In developing the concept of venture communism, Kleiner provides a critique of copyright regimes, and current liberal views of free software and free culture which seek to trap culture within capitalism. Kleiner proposes copyfarleft, and provides a usable model of a Peer Production License.

Encouraging hackers and artists to embrace the revolutionary potential of the internet for a truly free society, *The Telekommunist Manifesto* is a political-conceptual call to arms in the fight against capitalism.

**Dmytri Kleiner** is a software developer working on projects that investigate the political economy of the internet, and the ideal of workers' self-organization of production as a form of class struggle. Born in the USSR, Dmytri grew up in Toronto and now lives in Berlin. He is a founder of the Telekommunisten Collective, which provides internet and telephone services, as well as undertakes artistic projects that explore the way communications technologies have social relations embedded within them, such as deadSwap (2009) and Thimbl (2010).

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