Conclusion:

Property and the Politics of Commoning

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4 Conclusion: Property and the Politics of Commoning

4.1 <u>Brief recapitulation.</u>

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

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

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

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

4.2 <u>Property and other laws of cyberspace.</u>

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

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

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

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

4.3 <u>Self-articulation.</u>

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

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

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

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

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

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

4.4 <u>The politics of commoning.</u>

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

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

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

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

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

5 Bibliography.

ALDINGTON, R. & AMES, D. (1972) *New Larousse Encyclopedia of Mythology*, London, Hamlyn.

ALEXANDER, G. (1997) *Commodity & Propriety: Competing Visions of Property in American Legal Thought 1776-1970,* Chicago, Chicago Press.

ALLEN, C.K. (1927) *Law in the making,* Oxford, Clarendon Press.

ANDERSON, B. (2005) *Under Three Flags:Anarchism and the Anti-Colonial Imagination*, London, Verso.

ANDERSON, N. (2006) *Tim Berners-Lee on Web 2.0: "nobody even knows what it means".* Available at http://arstechnica.com/business/news/2006/09/7650.ars. [Accessed June 12 2008].

ARISTOTLE (350 B.C.E.) *Politics* Available at http://classics.mit.edu/Aristotle/politics.html [Accessed December 01 2008].

ARROW, K. (1996) 'The Economics of Information: an Exposition' *Empirica*, 23, 119-128.

AXELROD, R. (1984) *The Evolution of Cooperation*, New York, Basic Books.

BADEN, J.A., & NOONAN, D.S. (eds.) (1998) *Managing the Commons (second edition)*. Bloomington and Indianapolis, Indiana University Press.

BAINBRIDGE, D. (2009) *Intellectual Property*, London, Pearson Longman.

BARLOW, J.P. (1994) 'The Economy of Ideas: A framework for patents and copyrights in the Digital Age. (Everything you know about intellectual property is wrong)', *Wired*, 2.03.

BARLOW, J.P. (1996) *A Declaration of the Independence of Cyberspace*. From "A Declaration of the Independence of Cyberspace", presented at the World Economic Forum, 1996. Available at http://w2.eff.org/Censorship/Internet_censorship_bills/barlow_02 96.declaration. [Accessed January 31 2010].

BBC (2005) *Search ads fire up Google profits*. Available at http://news.bbc.co.uk/1/hi/business/4470747.stm. [Accessed May 18 2009].

BECKER, L.C. (1977) *Property rights: philosophic foundations*, London, Routledge and Kegan Paul.

BENABOU, R. & TIROLE, J. (2000) *Self-Confidence and Social Interactions* (working paper no. 7585), Cambridge, National Bureau of Economic Research.

BENKLER, Y. (2002) 'Coase's Penguin, or Linux and the Nature of the Firm', *Yale Law Review* 112: 369-446.

BENKLER, Y. (2006) *The Wealth of Networks: How Social Production Transforms Markets and Freedom,* New Haven and London, Yale University Press.

BENKLER, Y. & NISSENBAUM, H. (2006) 'Commons-Based Peer Production and Virtue', *Journal of Political Philosophy* 14 (4):394–419.

BENTLY, L. & SHERMAN, B. (2004) *Intellectual Property Law*, 2nd ed, Oxford, Oxford University Press.

BENTLY, L. & SHERMAN, B. (2008) *Intellectual Property Law*, 3rd ed, Oxford, Oxford University Press.

BERLE, A. & MEANS, G. (1932) *The Modern Corporation and Private Property,* New York, Harcourt, Brace & World.

BERNERS-LEE, T. (1999) *Weaving the Web: The Past, Present and Future of the World Wide Web by its Inventor,* London, Orion Business Books.

BERNERS-LEE, T. (2006) Interview transcript. Available at http://www.ibm.com/developerworks/podcast/dwi/cm-int082206.txt. [Accessed June 12 2008].

BIANCUZZI, F. (2009) *Stallman discusses Free Software and GPLv3*. Available at http://broadcast.oreilly.com/2009/04/stallman-discusses-free-softwa.html. [Accessed May 22 2009].

BLACKSTONE, W. (1962) *Commentaries on the Laws of England*,11th ed, Volume 2 of 4, Boston: Beacon Press.

BOLLIER, D. (2008) *Viral Spiral: How the Commoners Built a Digital Republic of Their Own*. New York: The New Press.

BOYLE, J. (1996) *Shamans, Software and Spleens: Law and The Construction of the Information Society*. Cambridge, Harvard University Press.

BOYLE, J. (2003) 'Foreword: The Opposite of Property?' in *Law and Contemporary Problems: Special Edition on The Public Domain,* 66 (1), 1-32.

BOYLE, J. (2006) *The Public Domain: Enclosing the Commons of the Mind*, Chapter 10: 'An Environmentalism for Information', Paragraph #40. Available at http://yupnet.org/boyle/archives/189 [Accessed January 31 2010].
BOYLE, J and L. LESSIG (2007) *Cultural Environmentalism @ 10*, Duke's Law and Contemporary Problems Special Issue, 70 (2).

BREGMAN, A. (n.d.) *Italy's Cultural Underground*, originally at http://www.altpr.org/apr14/social_centers.html. Archived at http://aia.mahost.org/pro_spaces.html. [Accessed November 18 2009].

BURDICK, W.L. (1938) *The Principles of Roman Law and their Relation to Modern Law*, Rochester, The Lawyers Co-operative Publishing Co.. (Reprint (2003) available by The Lawbook Exchange Ltd.)

BURGE, D. A. (1984) *Patent and trademark practices,* 2nd ed, New York, John Wiley & Sons.

CAIRNS, H. (1935) *Law and the Social Sciences*, New York, Harcourt, Brace and Company.

CARLSSSON, C. (2008) *Nowtopia: How Pirate Programmers, Outlaw Bicyclists and Vacant-lot Gardeners Are Inventing the Future Today* ,Oakland, AK Press.

CARPENTER, K., KATYAL, S., & RILEY, A. (2009) *In Defense of Property*, Fordham Law Legal Studies Research Paper No. 1220665 and University of Denver Legal Studies Research Paper No. 08-20.

CARROLL, B.T. (2001) *Seeing Cyberspace*. Available at http://web.archive.org/web/20070424223706/www.electronetwor k.org/works/seeing/introduction/ [Accessed January 3 2010].

CARSON, RACHEL (1963) *Silent Spring*, London, Hamilton.

CERF, V. (2006) *Prepared Statement of Vinton G. Cerf, Vice President and Chief Internet Evangelist Google Inc. to U.S. Senate Committee on Commerce, Science, and Transportation Hearing on "Network Neutrality" February 7, 2006*. Available at http://commerce.senate.gov/pdf/cerf-020706.pdf. [Accessed August 8 2009].

CERUZZI, P.E. (2003) *A History of Modern Computing* (second edition). Boston, MIT Press.

CHRISTMAN, J. (1994) *The Myth of Property: Toward an Egalitarian Theory of Ownership*, New York, Oxford University Press.

COASE, R. (1937) 'The Nature of the Firm', *Economica*, 4(16), 386-405.

COLEMAN, J. S. (1988) 'Social Capital in the Creation of Human Capital', *American Journal of Sociology*, 94, 95-120.

CRAWFORD, S.P. (2007) 'Network Rules', *Duke Journal of Law and Contemporary Problems*, 70, 51-90.

CRITTENDEN, A.R. (1938) 'Roman Law in Modern Life and Education', *The Classical Journal*, 15 (3), 148-154.

DAHLMAN, C.J. (1979). 'The Problem of Externality', *Journal of Law and Economics*, 21 (2), 141–162.

DAVIS, J. (2008) *Intellectual Property Law* (third edition), Oxford, Oxford University Press.

DAWES, R. M. (1973) 'The Commons Dilemma Game: An N-Person Mixed-Motive Game with a Dominating Strategy for Defection', *ORI Research Bulletin*, 13, 1-12.

DE ANGELIS, M. (1999/2000) 'Capital Movements, Tobin Tax, and Permanent Fire Prevention: a Critical Note', *Post Keynesian Economics*, 22, 187-195.

DE ANGELIS, M. (2004) 'Separating the Doing and the Deed: Capital and the Continuous Character of Enclosures', *Historical Materialism*, 12 (2), 57–87.

DE ANGELIS, M. (2005a) 'How?!?! An Essay on John Holloway's Change the World without Taking Power', *Historical Materialism*, 13 (4), 233-249.

DE ANGELIS, M. (2005b) 'Value(s), Measure(s) and Disciplinary Markets', *The Commoner*, 10. Available at

http://www.commoner.org.uk/10deangelis.pdf. [Accessed December 12 2009].

DE ANGELIS, M. (2006) Introduction to *The Commoner,* 11, 'Re(in)fusing the Commons'. Available at http://www.commoner.org.uk/index.php?p=24.

DE ANGELIS, M. (2007) *The Beginning of History: Value Struggles and Global Capital*, London, Pluto Press.

DEAN, MITCHELL (1999) *Governmentality: power and rule in modern society*, London, Sage.

DECI, E.L. & RYAN, R.M. (1985) *Intrinsic Motivation and Self-Determination in Human Behavior,* New York, Plenum.

DEMSETZ, H. (1967) 'Toward a theory of property rights', *American Economic Review,* 57, 347-359.

DEWITT, R. (1998) *The Need for Critique, the Need for Politics: An Interview with Barbara Epstein*. Available at http://flag.blackened.net/ias/4barbaraepstein.htm. [Accessed March 10 2007].

DIAS, R.M. (1976) *Jurisprudence*, 4th ed, London, Butterworths.

DISSENT (2005) *Days of Dissent: Reflections on Summit Mobilisations*. Available at http://www.daysofdissent.org.uk/j18.htm.

DOHERTY, B. (2004) *John Perry Barlow 2.0: The Thomas Jefferson of cyberspace reinvents his body -- and his politics* Available at http://reason.com/archives/2004/08/01/john-perry-barlow-20.

DUNCAN-JONES, R. (1990) *Structure and Scale of the Roman Economy*, Cambridge, Cambridge University Press.

DUSOLLIER, S. (2007) 'Sharing Access to Intellectual Property Through Private Ordering', *Chicago Kent Law Review*, 82, 1391-1430.

DUTFIELD, G. (2003) 'Introduction' in BELLMAN et al. (eds.) *Trading in Knowledge: Development Perspectives on TRIPS, Trade and Sustainability,* London, ICTSD & Earthscan.

ELLIOT, L. (2009) *The time is ripe for a Tobin tax,* Available at http://www.guardian.co.uk/business/2009/aug/27/turner-tobin-tax-economic-policy.

EPSTEIN, J. (2009) 'Peter Linebaugh: The Magna Carta Manifesto: Liberties and Commons for All', in *The American Historical Review*, 114, 701–703.

EVANS, C. (2008) *Future of Google Earth,* North Charleston, Booksurge.

FANON, F. (1963) *The Wretched of the Earth,* New York, Grove Press.

FEDERICI, S. (2004) *Caliban and the Witch: Women, The Body & Primitive Accumulation*, New York, Autonomedia.

FEENBERG, A. (1998) *Escaping the Iron Cage, or, Subversive Rationalization and Democratic Theory*. Available at http://www.sfu.ca/~andrewf/schom1.htm. [Accessed October 21 2009].

FEENBERG, A. (2002) *Transforming Technology: A Critical Theory Revisited* (second edition), Oxford University Press, New York.

FIKES, B. (2005) 'Polio vaccine changed the world', North County Times, Sunday, April 10, 2005. [Available at http://tinyurl.com/br3k8].

FISHER, W. (2001) 'Theories of Intellectual Property' in S. Munzer (ed.) *New Essays in the Legal and Political Theory of Property*, Cambridge, Cambridge University Press.

FISHER, W.W. III (1999) 'The Growth of Intellectual Property: A History of the Ownership of Ideas in the United States' in *Eigentumskulturen im Vergleich*, Munich, Vandenhoeck & Ruprecht.

FITRAKIS, B (2004) *Diebold, electronic voting and the vast right-wing conspiracy*, available at http://freepress.org/columns/display/3/2004/834. [Accessed December 18 2009].

FREY, B.S. & JEGEN, R. (2001) 'Motivation Crowding Theory', *Journal of Economic Surveys* 15, (5), 589-611.

FRIEDMAN, T.L. (2003) 'Is Google God?' *The New York Times*, June 29. Available at http://www.google-watch.org/friedman.html. [Accessed March 15 2009].

FRISCHMANN, B. (2007) 'Cultural Environmentalism and the Wealth of Networks', *University of Chicago Law Review*, 74, 1083-1143.

FSF (1996) *Categories of Free and Non-Free Software.* Available at http://www.gnu.org/philosophy/categories.html. [Accessed May 28 2007].

FSF (2004) *The Free Software Definition.* Available at http://www.gnu.org/philosophy/free-sw.html. [Accessed May 8 2005].

FSF (2009a) *What is Copyleft?* Available at http://www.fsf.org/licensing/essays/copyleft.html. [Accessed December 12 2009].

FSF FRANCE (2009) *Pa*ris *Court of Appeals condemns Edu4 for violating the GNU General Public License*. Available at http://fsffrance.org/news/article2009-09-22.en.html. [Accessed December 12 2009].

GARTNER (2007) *Press Release.* Available at http://www.gartner.com/it/page.jsp?id=503867 [Accessed January 10 2010].

GOOGLE (2009) 'Powering a Google search'. Google Blog. Available at http://googleblog.blogspot.com/2009/01/powering-google-search.html. [Accessed December 24 2009].

GORZ, A. (1967) *A Strategy for Labour: A Radical Proposal*, Boston, Beacon Press.

GPL-VIOLATIONS.ORG (2006) *Verdict*. Available at http://gpl-violations.org/news/20061110-dlink-judgement_frankfurt_en.html. [Accessed August 22 2009].

GPL-VIOLATIONS.ORG (2009) *About*. Available at http://gpl-violations.org/about.html. [Accessed August 22 2009]

GRAEBER, D. (2001) *Toward an Anthropological Theory of Value: The False Coin of Our Own Dreams,* London, Palgrave.

GRAEBER, D. (2007) *Possibilities: Essays on Hierarchy, Rebellion, and Desire*, Oakland, AK Press.

GRANOVETTER, M. (1974) *Getting a Job: A Study of Contacts and Careers,* Cambridge, Harvard University Press.

GREY, T. C. (1980) 'The Disintegration of Property' in J. R. PENNOCK and J.W. CHAPMAN (eds.) *Property: Nomos XXII*, New York, New York University Press.

GROVES, P. (1997) *Sourcebook on Intellectual Property Law,* London, Cavendish.

GUSTIN, S. (2009) *FCC plan for open internet 'perfect'*. Available at http://www.dailyfinance.com/story/media/fcc-plan-for-open-internet-perfect-lessig-says-atandt-verizon/19168513/.

HALLOWELL, A.I. (1974) *Culture and Experience*, Philadelphia, University of Pennsylvania Press.

HARDIN, G. (1968) 'The Tragedy of the Commons', *Science*, 162, 1243-1248.

HARRIS, J. (1996) *Property and Justice,* Oxford, Oxford University Press.

HERMAN, S. (1981) 'The Uses and Abuses of Roman Law Texts', *The American Journal of Comparative Law*, 29 (4), 671-690.

HETTINGER, E. C. (1989) 'Justifying Intellectual Property' in *Philosophy & Public Affairs*, 18, 31-52.

HILL, C. (1975) *The World Turned Upside Down: Radical Ideas During the English Revolution*, Harmondsworth, Penguin.

HILL, D.R. (1991) 'Mechanical Engineering in the Medieval Near East', *Scientific American*, May 1991, 64-69.

HOHFELD, W.N. (1913) 'Some Fundamental Legal Conceptions as Applied in Legal Reasoning' *Yale Law Journal* 23, 16-59.

HOLDERNESS, C.G. (2003) 'Joint Ownership and Alienability', *International Review of Law and Economics*, 23, 75-100.

HOLLOWAY, J. (2002) *Change the World Without Taking Power: The Meaning of Revolution Today*, London, Pluto Press.

HONORÉ, A.M. (1987) *Making Law Bind*, Oxford, Clarendon Press.

HUGHES, J. (2006) 'Copyright and Incomplete Historiographies: Of Piracy, Propertization, and Thomas Jefferson', *Southern California Law Review*, 79, 993-1084.

HUME, M. (2009) *The Politics of Violence: Gender, Conflict and Community in El Salvador*, London, Wiley-Blackwell.

INGOLD, T. (2000) *The Perception of the Environment: Essays in Livelihood, Dwelling and Skill*, London, Routledge

JURIS, J. (2008) *Networking Futures: The Movements Against Corporate Globalization*, Durham, Duke University Press.

KELTY, C. (2008) *Two Bits: The Cultural Significance of Free Software*, Durham, Duke University Press.

KLEINER, D., & WYRICK (2007) *InfoEnclosure 2.0*. Available at http://www.metamute.org/en/InfoEnclosure-2.0. [Accessed June 12 2008].

LAFARGUE, P. (1975) *The evolution of property from savagery to civilization*, London, New Park.

LAO TZU (1996) *Tao Te Ching*, translated by B. B. WALKER, New York, St. Martin's Press.

LAWSON, F. H. (1958) *An Introduction to the Law of Property*, Oxford, Clarendon Press.

LEAHY, T. (2008) 'Discussion of "Global Warming and Sociology"', *Current Sociology,* 56, 475–84.

LEAKE, J. & WOODS, R. (2009) *Revealed: the environmental impact of Google searches.* Available at http://technology.timesonline.co.uk/tol/news/tech_and_web/article5489134.ece. [Accessed December 13 2009].

LEMLEY, M. (2005) Property, Intellectual Property, and Free Riding, *Texas Law Review*, 84, 1097-1104.

LEMLEY, M. (1997) 'Romantic Authorship and the Rhetoric of Property', *Texas Law Review*, 75, 873-906.

LESSIG, L. (1999) *Code and other Laws of Cyberspace*, New York, Basic Books

LESSIG, L. (2001) *The Future of Ideas: The Fate of the Commons in a Connected World*, New York, Random House.

LESSIG, L. (2004) *Free Culture: How Big Media Uses Technology And The Law To Lock Down Culture and Creativity*, London and New York, Penguin.

LESSIG, L. (2005) 'Epstein is smart, but still wrong', *Technology Review* 108, 68.

LEUFSTEDT, S. (2008) 'The demolition of a record-holder', Green Blog. Available at http://www.green-blog.org/2008/06/06/the-demolition-of-a-record-holder/. [Accessed December 13 2009].

LEVY, S. (1984) *Hackers: Heroes of the Computer Revolution*, New York, Anchor Press/Doubleday Books.

LIN, N. (2001) *Social Capital: A Theory of Social Structure and Action*, New York, Cambridge University Press.

LINEBAUGH, P. (2006) *The London Hanged: Crime and Civil Society in the Eighteenth Century*, 2nd ed., London, Verso.

LINEBAUGH, P. (2008) *The Magna Carta Manifesto: Liberties and Commons for All*, Berkeley, University of California Press.

LINEBAUGH, P. & REDIKER, M. (2000) *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic*, London, Verso.

LOFTUS (2006) *GPL version 3 evaluation committees admit Stallman is ultimate 'decider'*. Available at

http://searchopensource.techtarget.com/originalContent/0,289142
,sid39_gci1197002,00.html. [Accessed September 11 2009].

LONDON HACKLABS COLLECTIVE (n.d.) Website at
http://www.hacklab.org.uk/. [Accessed September 11 2009].

LOVINK, G. (2005) *Tactical Media, the Second Decade*,
Brazilian Submidialogia.

MACPHERSON, C.B. (1962) *Theory of Possessive
Individualism: From Hobbes to Locke*, Oxford, Clarendon Press.

MACPHERSON, C.B. (1978) *Property: Mainstream and
Critical Positions*, Oxford, Basil Blackwell.

MAECKELBERG, M. (2009) *The Will of the Many: How the
Alterglobalisation Movement is Changing the Face of
Democracy*, London, Pluto Press.

MAINE, H.S. (1861) *Ancient Law: its connection with the early
history of society and its relation to modern ideas*, London, J.
Murray.

MARX, K. (1977) *A Contribution to the Critique of Political
Economy*, Moscow, Progress.

MARX, K. & ENGELS, F. (1969) *The Manifesto of the
Communist Party*, Moscow, Progress.

MATUCK, A. (1993) 'Information and Intellectual Property,
including a Proposition for an International Symbol for Released
Information: SEMION', *Leonardo*, 26 (5), 405-411+413.

MATUSSEK, P. (1999) *The Computer as Theater of Memory*. Available at http://www.peter-matussek.de/Pub/V_26.html. [Accessed May 22 2008].

MAY, C. (2000) *A Global Political Economy of Intellectual Property Rights: The New Enclosures?,* London, Routledge.

MAY, C. (2010) *A Global Political Economy of Intellectual Property Rights: The New Enclosures?,* 2nd ed, London, Routledge.

MCCANN, A. (2005) 'Enclosure Within and Without the Information Commons', *Information & Communications Technology Law,* 14(3), 217-241.

MCLUHAN, M. & FIORE, Q. (1968) *War and Peace in the Global Village*, New York, Bantam.

MCLUHAN, M. 1994 *Understanding Media: The Extensions of Man*, Cambridge, MIT Press.

MCNALLY, D. (2006) *Another World is Possible: Globalization & Anti-Capitalism* (revised edition)*,* Monmouth, Merlin Press.

MENELL, P. (2007) 'Intellectual Property and the Property Rights Movement', *Regulation,* 30 (3), 36-42.

MERETZ, S. (2004) 'Haltet den Dieb: Copyleft again'. *Streifzüge,* 32. Available at www.streifzuege.org/str_04-32_meretz_copyleft-again.html. [Accessed September 8 2009].

MERIJN (n.d.) KazaaBegone. Available at http://www.merijn.nu/programs.php. [Accessed September 21 2009].

MOGLEN, E. (2006) *Launch of the draft of the GPLv3*. Available at http://www.ifso.ie/documents/gplv3-launch-2006-01-16.html. [Accessed May 23 2008].

MOHAMMED, A. (2006) *Verizon Executive Calls for End to Google's 'Free Lunch'*. Available at http://www.washingtonpost.com/wp-dyn/content/article/2006/02/06/AR2006020601624.html. [Accessed May 18 2009].

MOODY, G. (2001) *Rebel Code: Linux and the Open Source Revolution*, London, Allen Lane.

MOSSOFF, A. (2005) 'Is Copyright Property?', *San Diego Law Review*, 42 (1), 29-43.

MUNN, N. (1986) *The Fame of Gawa: A Symbolic Study of Value Transformamation in a Massim (Papua New Guinea) Society,* Cambridge, Cambridge University Press.

MUNZER, S.R. (1990) *A Theory Of Property*, Cambridge, Cambridge University Press.

NAGEL, T. (1989) *The View from Nowhere*, New York, Oxford University Press.

NAUGHTON, J. (1999) *A Brief History of the Future: the Origin of the Internet,* London, Weidenfeld & Nicolson.

NEGROPONTE, N. (1995) *Being Digital*, Philadelphia, Coronet Books.

NETCRAFT (2009a) *Netcraft Survey*. Available at http://news.netcraft.com/archives/2009/11/10/november_2009_web_server_survey.html. [Accessed December 24 2009].

NETCRAFT (2009b) *White House goes Open Source.* Available at http://news.netcraft.com/archives/2009/10/27/white_house_goes_open_source.html. [Accessed December 24 2009].

NOTES FROM NOWHERE (2003) *We are Everywhere: The Irresistible Rise of Global Anti-capitalism*. London: Verso.

NOVAK, M. (n.d.) *Liquid Architectures in Cyberspace*. http://www.zakros.com/liquidarchitecture/liquidarchitecture.html. [Accessed March 12 2007].

NOVOTNY T.E., MORDINI E., CHADWICK R., PEDERSEN J.M., FABBRI F. ET AL. (2006) 'Bioethical Implications of Globalization: An International Consortium Project of the European Commission'. Public Library of Science: Medicine 3(2): e43

NOZICK, R. (1974) *Anarchy, State and Utopia*, New York, Basic Books

O'SULLIVAN, M. (2005) *A law for free software: Don't we have enough laws already?* Available at http://www.freesoftwaremagazine.com/articles/free_software_act/. [Accessed May 23 2006].

OED (1955) *The Shorter Oxford English Dictionary On Historical Principles*, 3rd ed, Oxford, The Clarendon Press.

OHCHR (1976) *International Covenant on Economic, Social and Cultural Rights.* Available online at http://www2.ohchr.org/english/law/cescr.htm. [Accessed January 10 2010].

OKSANEN, V. & VÄLIMÄKI, M. (2006) 'Free Software and Copyright Enforcement - A Tool for Global Copyright Policy?', *Knowledge, Technology & Policy,* 18 (4), 101-112.

OLSON, M. (1965) *The Logic of Collective Action: Public Goods and the Theory of Groups,* Cambridge and London, Harvard University Press.

OSTROM, E. (1990) *Governing the Commons: The Evolution of Institutions for Collective Action,* New York, Cambridge University Press.

OSTROM, E. (2000) 'Collective Action and the Evolution of Social Norms', *Journal of Economic Perspectives,* 14(3), 137-158.

PEDERSEN, J.M. (2008) 'Property Relations in the Knowledge Economy: In Search of Anti-capitalist Commons' in Mordini, E. (ed.) *Ethics and Health in the Global Village – Bioethics, Globalization and Human Rights,* Rome, CIC Edizioni Internazionali.

PENNER, J.E. (1997) *The idea of property in law,* Oxford, Clarendon Press.

PERENS, B. (1999) *It's Time to Talk About Free Software Again.* Available at http://lists.debian.org/debiandevel/1999/02/msg01641.html. [Accessed March 23 2008].

PERENS, B. (2009) *How Many Open Source Licenses Do You Need?* Available at http://itmanagement.earthweb.com/osrc/article.php/12068_38031 01_1/Bruce-Perens-How-Many-Open-Source-Licenses-Do-You-Need.htm. [Accessed December 24 2009].

PICCIOTTO, S. (2003) (with David Campbell) 'Whose Molecule is it Anyway? Private and Social Perspectives on Intellectual Property', in Hudson, A. (ed.), *New perspectives on property law, obligations and restitution,* London, Cavendish, 279-303.

PLATT, C.M. (1894) 'Positive Law and Other Laws', *Political Science Quarterly*, 9, 53-63.

POSNER, R. (1977) *Economic Analysis of Law*, 2nd ed, Boston, Little Brown and Co.

POSNER, R. (1983) *The Economics of Justice,* Cambridge, Harvard University Press.

POSTEMA, G. (2006) 'Whence avidity? Hume's psychology and the origins of justice', *Synthese*, 152 (3), 371-391.

PRATT, V. (1987) *Thinking Machines: The Evolution of Artificial Intelligence*, Oxford, Blackwell.

PROUDHON, P-J. (1840) *What is Property? An Inquiry into the Principle of Right and of Government*, Electronic Text Center, University of Virginia Library. Available at http://etext.virginia.edu/toc/modeng/public/ProProp.html. [Accessed September 3 2008].

PULLAN, W. (2004) 'A one-sided wall', *Index on Censorship* 33(3), 78-82.

RADIN, M.J. (1982) 'Property and Personhood', *Stanford Law Review*, 34 (5), 957-1015.

RADIN, M.J. (1987) 'Market-Inalienability', *Harvard Law Review*, 100 (8), 1849-1937.

RAND, A. (1966) *Capitalism: The Unknown Ideal*, New York, New American Library.

RAYMOND, E.S. (1998) *Free Software vs. Open Source*. Originally at http://archive.salon.com/21st/feature/1998/04/cov_14feature2.html. Now available at http://cs-exhibitions.uni-klu.ac.at/index.php?id=224.

RAYMOND, E.(1999) *The Cathedral and the Bazaar: Musings On Linux and Open Source by an Accidental Revolutionary*. Sebastopol, O'Reilly.

REDIKER, M. (2004) *Villains of All Nations: Atlantic Pirates in the Golden Age*, London, Verso.

REDIKER, M. (2009) *The Slave Ship: A Human History*, London, John Murray.

REEVE, A. (1986) Property, London, Macmillan.

RICHARDSON, M. (1999) *Interview: Linus Torvalds*. Available at http://www.linuxjournal.com/article/3655. [Accessed April 28 2009].

ROBERTS, NEIL (2004) 'Fanon, Sartre, Violence, and Freedom' *Sartre Studies International*, 10, 139-160.

ROSE, C.M. (1993) *Property and Persuasion: Essays on the History, Theory and Rhetoric of Ownership*.,Boulder, Westview Press.

ROSE, C.M. (2003) 'Romans, Roads, and Romantic Creators: Traditions of Public Property in the Information Age', *Law & Contemporary Problems* 66 (2/3), 89-110.

RUSHKOFF, D. (2004) *Open source democracy: how online communication is changing offline politics,* London, Demos.

SAYER, A. (1999) 'Valuing Culture and Economy', in RAY, L. & SAYER, A. (eds.) Culture and Economy After the Cultural Turn, London, Sage.

SCHLATTER, R. (1951) *Private property: the history of an idea,* London, Allen & Unwin.

SCHOFIELD, J. (2009) *Sweden's Pirate Party wins EU seat.* Available at http://www.guardian.co.uk/technology/blog/2009/jun/08/elections-pirate-party-sweden. [Accessed January 27 2010].

SCHURMANN, H.F. (1956) 'Traditional Property Concepts in China', *The Far Eastern Quarterly*, 15 (4), 507-516.

SFLC (2008) *A Practical Guide to GPL Compliance by the Software Freedom Law Center.* Available at http://www.softwarefreedom.org/resources/2008/compliance-guide.html. [Accessed July 14 2009].

SFLC (n.d.) Website. Available at http://www.softwarefreedom.org. [Accessed July 21 2009].

SHAKESPEARE, W. (1988) 'A Midsummer Night's Dream', in WELLS, S. & TAYLOR, G., eds, *The Complete Works*, Oxford, Clarendon Press.

SIEFKES, C. (2009) 'The Commons of the Future: Building Blocks for a Commons-based Society'.Available at http://www.commoner.org.uk/?p=78. [Accessed December 12 2009].

SMITH, M. A. & KOLLOCK, P. (1998) *Communities in cyberspace*, London, Routledge.

SMITH, M. (1903) 'Customary Law', *Political Science Quarterly*, 18 (2), 256-281.

STALLMAN, R.M. (1996) *Reevaluating Copyright: The Public Must Prevail*. Available at http://www.gnu.org/philosophy/reevaluating-copyright.html. [Accessed November 13 2009].

STALLMAN, R. M. (1998) *The GNU Project*. Available at http://www.gnu.org/gnu/the-gnu-project.html. [Accessed April 24 2009].

STALLMAN (2001a) *The GNU GPL and the American Way*. Available at http://www.gnu.org/philosophy/gpl-american-way.html. [Accessed December 10 2009].

STALLMAN, R. M. (2001b) *Free Software: Freedom and Cooperation* (transcript of speech), available at

www.gnu.org/events/rms-nyu-2001-transcript.html. [Accessed May 8 2005].

STALLMAN, R. (2004) Did You Say "Intellectual Property"? It's a Seductive Mirage Available at http://www.gnu.org/philosophy/not-ipr.html [Accessed December 10 2009].

STALLMAN, R.M. (2007) *Why Open Source misses the point of Free Software*. Available at http://www.gnu.org/philosophy/open-source-misses-the-point.html. [Accessed November 13 2009]

STALLMAN, R. M. (2009) *How the Swedish Pirate Party Platform Backfires on Free Software*. Available at http://www.gnu.org/philosophy/pirate-party.html. [Accessed December 12 2009].

STRAHILEVITZ, L. (2007) *Wealth without Markets?*, University of Chicago Law & Economics, Olin Working Paper No. 315.

STRANGELOVE, M. (2005) *The Empire of Mind: Digital Piracy and the Anti-Capitalist Movement*, Toronto, University of Toronto Press.

SUCHMAN, L. (1987) *Plans and situated actions : The Problem of Human-Machine Communication*, New York, Cambridge University Press.

SVTC (n.d.) Website available at http://www.etoxics.org. [Accessed January 31 2010].

TANAKA, W (2008) 'Google Hits Double Digits'. Available at http://www.forbes.com/2008/09/04/google-tenth-anniversary-tech-enterprise-cx_wt_0905google.html. [Accessed December 24 2009].

TAYLOR, M. (1976) *Anarchy and cooperation,* London, John Wiley & Sons.

TAYLOR, M. (1982) *Community, Anarchy and Liberty,* Cambridge, Cambridge University Press.

TAYLOR, M. (1987) *The possibility of cooperation*, New York, Cambridge University Press.

TERRANOVA, T.(2000) 'Free Labor: Producing Culture for the Digital Economy', *Social Text*, 63, 33-58.

TERRANOVA, T. (2009) 'Another Life: The Nature of Political Economy in Foucault's Genealogy of Biopolitics', *Theory Culture Society,* 26, 234-262.

TEUBNER, G. (1997) 'Global Bukowina: Legal Pluralism in the World Society', in TEUBNER G., ed., *Global Law without a State*, Dartmouth, Aldershot.

KALETSKY, ANATOLE (2006) 'Hot air? I want the cold facts', *The Times*, 10 June. Available at http://www.timesonline.co.uk/tol/travel/holiday_type/green_travel/article673044.ece. [Accessed February 14 2008].

THEFT ACT (1968) *Theft Act*. Available at http://www.statutelaw.gov.uk/content.aspx?activeTextDocId=1204238. [Accessed February 25 2009].

THE ROYAL SWEDISH ACADEMY OF SCIENCES (2009) 'Press Release'. Available at http://nobelprize.org/nobel_prizes/economics/laureates/2009/press.html. [Accessed December 12 2009]

THOMAS, J. (2009) 'What's next year's great techno fix?', *The Ecologist*, 39 (1).

THOMPSON, E. P. (1963) *The Making of the English working class*, London, Victor Gollancz.

THOMPSON, E. P. (1977) *Whigs and Hunters: The Origins of the Black Act*, London, Penguin.

THOMPSON, E. P. (1993) Customs in Common, London, Penguin Books.

TORVALDS, L. (n.d.) *Linux* (Wikipedia entry). Available at http://simple.wikipedia.org/wiki/Linux. [Accessed January 24 2008].

TURNER, F. (2006) *From Counterculture to Cyberculture: Stewart Brand, the Whole Earth Network, and the Rise of Digital Utopianism,* Chicago, University of Chicago Press.

TURNER, T. (1978) 'The Kayapo of Central Brazil', in SUTHERLAND, A., ed., *Face Values*, London, BBC.

UNIVERSITY OF SHEFFIELD (n.d.) Website. Available at http://www.shef.ac.uk/marcoms/eview/articles58/robot.html.

URRY, J. (2010) 'Consuming the Planet to Excess', *Theory, Culture & Society*, 27(2–3), forthcoming.

VAIDHYANATHAN, S. (2001) *Copyrights and Copywrongs: The Rise of Intellectual Property and How It Threatens Creativity,* New York, New York University Press.

VON NEUMAN, J. (1945) *First Draft of a Report on the EDVAC.* Available at http://www.virtualtravelog.net/entries/2003-08-TheFirstDraft.pdf. [Accessed March 12 2006].

WALDRON, J. (1988) *The Right to Private Property,* Oxford, Clarendon.

WALDRON, J. (1999) *Law and Disagreement,* Oxford, Oxford University Press.

WALDRON, J. (2004) *Property* (Stanford Encyclopedia of Philosophy entry). Available at http://plato.stanford.edu/entries/property/. [Accessed January 28 2009].

WALKER, J. (2002). *Cyberspace's Legal Visionary Lawrence Lessig on the fate of copyrights and computer networks in the digital future.* Available at http://www.reason.com/news/show/28445.html. [Accessed May 23 2007].

WEBER, S. (2004) *The Success of Open Source*, Cambridge, Harvard University Press.

WHELAN, FREDERICK (1980) 'Property as Artifice: Hume and Blackstone' in ROWLAND PENNOCK, J. & CHAPMAN, J. W. (eds.) 1980, *Property: Nomos XXII*, New York, New York University Press.

WHITE, A. (2009) *The Movement of Movements: From Resistance to Climate Justice.* Available at http://www.commondreams.org/view/2009/12/10-6. [Accessed 10 January 2010].

WIKIPEDIA (2010a) http://en.wikipedia.org/wiki/Size_of_Wikipedia [Accessed 10 January 2010].

WIKIPEDIA (2010b) http://en.wikipedia.org/wiki/Wikipedia:Size_comparisons [Accessed January 10 2010].

WOLF, E. (1997) *Europe And The People Without History,* Berkeley, University of California Press.

WU, T. (2003) 'Network Neutrality, Broadband Discrimination', *Journal of Telecommunications and High Technology Law*, 2, 141-179.

YATES, F. (1964) *Giordano Bruno and the Hermetic Tradition*, Chicago, University of Chicago Press.

YATES, F. (1966) *The Art of Memory*, London, Routledge & Kegan Paul.

YATES, F. (1969) *Theatre of the World*, London, Routledge.

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