

## Table of Contents

0 Introduction: Property, Commoning and the Politics of Free Software.....	9
0.1 Set and setting.....	9
0.2 Map of the essay.....	22
0.3 Social history: a foundation for a networked information society.....	31
1 Free Culture in Context: Property and the Politics of Free Software.....	50
1.1 Introduction.....	50
1.2 Beyond property: promises of the networked information society.....	54
1.2.1 Cyberdreams: like fire, like air.....	54
1.2.2 Social production.....	61
1.3 Information exceptionalism: protecting the Internet commons?.....	78
1.3.1 Ideas should not be owned.....	78
1.3.2 Property and the tangible/intangible divide: a policy of what?....	92
1.4 Material foundations: on cables and machinery, food and shelter.....	107
1.4.1 The interpenetration of tangible and intangible.....	107
1.4.2 Network neutrality and the advertising company ... Google.....	114
1.5 “Capitalist commonism”: capturing social production.....	126
1.5.1 Hacklabs and social centres: embodied commons.....	127
1.5.2 Framed for the market.....	130
2 Properties of Property: A Jurisprudential Analysis.....	138
2.1 Introduction: sovereigns, commoners and the state we are in.....	138
2.1.1 Private property and commoning under one umbrella.....	139
2.1.2 The little king of private property.....	141
2.1.3 The distribution of care and the tragedy of the commons.....	143
2.1.4 Commons in the world.....	146
2.1.5 Learning from property.....	150
2.2 Property in general, property in particular.....	152
2.2.1 Absolute dominion.....	153
2.2.2 The variation of property.....	156
2.3 Property as social relations.....	160
2.3.1 Hohfeld’s matrix.....	160
2.3.2 Social relations as starting point.....	163
2.3.3 Property and non-property.....	165
2.4 A framework for property as social relations.....	170
2.4.1 The variables of social relations with regard to things.....	170
2.4.2 Articulated and unarticulated normative protocols.....	174

2.5	Specification of property: the configurations of relational modality..	177
2.5.1	The basics of private property.....	178
2.5.2	Capitalist private property.....	181
2.5.3	Splitting the atom of capitalist property.....	184
2.5.4	Personal property.....	187
2.6	Property and commons.....	189
2.6.1	The importance of access.....	191
2.6.2	The importance of “whose interest”.....	194
2.6.3	Common property and the legitimacy of self-seekingness.....	197
2.6.4	Commoning as autonomous property configuration.....	202
2.7	Concluding Remarks.....	207
3	Free Software as Property.....	212
3.1	Introduction.....	212
3.2	The nature of code.....	218
3.3	A brief history of Free Software and its imaginary, scientific .....	225
3.3.1	Embedded in the scientific commons.....	225
3.3.2	A brief history of the Free Software movement's resistance.....	234
3.4	The Free Software movement as a recursive public.....	248
3.5	The GNU General Public License: copyright subversion.....	260
3.5.1	Misunderstanding the GPL.....	261
3.5.2	The GPL: just a software license?.....	263
3.5.3	Copyleft freedoms: reciprocity in perpetuity.....	265
3.5.4	Copyleft loves copyright.....	270
3.5.5	Constituting a commons.....	276
3.6	Defending the GPL: a recursive public self-organises.....	280
4	Conclusion: Property and the Politics of Commoning.....	288
4.1	Brief recapitulation.....	288
4.2	Property and other laws of cyberspace.....	289
4.3	Self-articulation.....	291
4.4	The politics of commoning.....	293
5	Bibliography.....	295