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# The Rediscovery of the Commons

David Bollier

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*The prevailing discourse for talking about the Internet is that of the market. But economic categories are too parochial for understanding our broader needs as citizens and human beings in the emerging cyber-polity. They also fail to understand how many websites, listservs, open source software programs and peer-to-peer file sharing systems function as commons – open, community-based systems for sharing and managing resources. It turns out that peer production is often a more efficient, creative mode of value-creation than a market as well as more humanistic. The commons paradigm helps us understand this fact because it recognizes that value-creation is not just an episodic economic transaction, as market theory holds, but an ongoing process of social life and political culture. When will we recognize that the commons plays a vital role in the economic and cultural production of our time?*

**Keywords:** commons, creativity, economics, gift economy, market theory.

The intellectual categories of free-market doctrine are so deeply embedded in our consciousness that it is often difficult to see the world as it exists. This is a serious practical concern for anyone who seeks to understand the evolution of the Internet because so many aspects of digital culture do not adhere to neoclassical economic principles. In general, networked environments tend to function more naturally as commons, not as markets. Yet market categories utterly dominate public dialogue and policymaking, and the commons remains an obscure, poorly understood concept.

In this no-mans-land, we do not really have the conceptual tools for understanding many sorts of online behaviour. Our economic discourse sees only a market populated by potential consumers, not a cyber-polity that should also honour our broader needs as human beings and citizens.

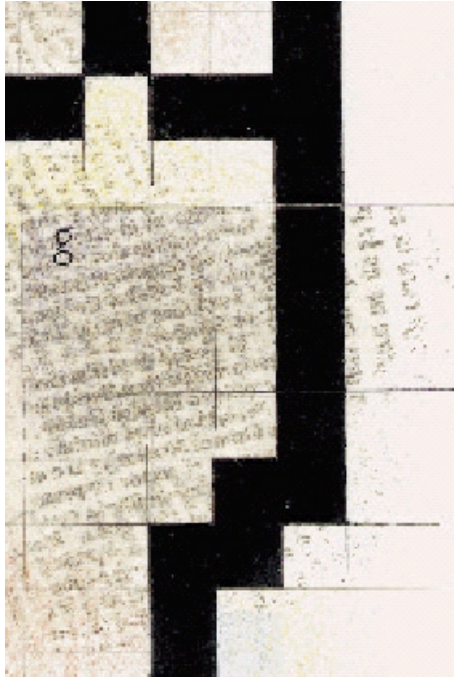
One problem, I believe, is that we fail to recognize the dynamics of *the commons* – a community-based model for managing resources. A commons is accessible to everyone as a civic right, not just those who can afford access. It is an alternative system for incubating creativity, wealth and community in a single stroke.

The prevailing discourse for talking about the Internet is that of the market. Market theory assumes that individuals are the key actors in economic life, and that individuals seek to maximize their economic self-interests by buying and selling in the ‘free market.’ This is regarded as the essence of ‘freedom.’ According to market theory, the public good is maximized by allowing everyone to make free choices without government interference. Such individual choices are seen as free while collective choices (usually made by government) are seen as coercive.

This discourse, though pervasive in the developed world, is highly parochial. It fails to recognize that there is an important dimension of society that lies beyond both the market and the state. This dimension, the commons, is the informal social and moral economy of “We the people.” In American political life, at least, ‘the people’ are seen as sovereign and more legitimate than the authority of either government or markets. In this sense, the commons *surrounds* the market and the state and acts as a necessary complement to both.

The Internet has greatly empowered people’s non-economic interests and social identities, making them highly influential forces on electronic networks. The growing popularity of the GNU/Linux operating system and open source software vividly confirms the power of online commons. There are many others, including collaborative websites, affinity group listservs, wireless networks, online scholarly archives, and peer-to-peer file sharing. These commons represent tremendously productive new genres of human collaboration.

*David Bollier* is an independent strategist, journalist and consultant with a varied public-interest portfolio. Much of Bolliers recent work has been focused on championing the commons as a new paradigm of politics, economics and culture a topic explored in his book “Silent Theft: The Private Plunder of Our Common Wealth” (Routledge, 2002). Bollier has collaborated with television writer/producer Norman Lear on numerous projects since 1984, and he is a Senior Fellow at the Norman Lear Center at the USC Annenberg Center for Communication. Bollier is also a co-founder of Public Knowledge, a public-interest advocacy organization that represents the publics stake in copyright, technology and Internet issues. Bolliers writings can be found at <<http://www.bollier.org>>; he lives in Amherst, Massachusetts, USA. <[bollier@essential.org](mailto:bollier@essential.org)>



But market theory – so focused on the individual and that which can be measured and sold – has trouble understanding this fact. It fails to see how structured communities of trust, voluntarism and collaboration can actually be more efficient and flexible than conventional ‘real world’ markets. It fails to appreciate the value-creating potential of ‘peer production.’ Perhaps this is because businesspeople are concerned with maximum output in the short term, while peer production is primarily an ongoing social process oriented around shared values. Businesspeople are looking for resources that can be readily commodified and sold, while the work products of peer relationships tend to be inalienable artifacts that belong to the entire community.

Indeed, this is why the General Public License (GPL) for free software was created in the first place – to help online communities of software developers maintain legal control over their collective output. The GPL allows anyone to be a free-rider, which thereby promotes usage of the software code and improvements to it. But it also *prevents anyone from taking the code ‘private’ and claiming proprietary control.* The real story about GNU/Linux is about how the GPL assures that the fruits of the commons will *stay* in the commons. This gives the commons significant structural advantages over corporate-sponsored software development.

Conventional economic theory has trouble understanding the dynamics of a ‘gift economy’ commons. It is philosophically unable to explain how software created by volunteers through an online collective could possibly exist. After all, copyright law insists that people won’t work unless they have strict legal protections for ‘property’ and economic rewards for their individual work. Yet here we have thousands of talented programmers from around the globe working for free, without a corporate apparatus or even a marketplace!

Are the many commons described here ‘exceptions’ – aberrations that can be safely ignored by mainstream economics and policy makers?

This is not only a serious temptation; it has been the stubborn habit of conventional economic theorists for decades. The recurring strategy is to cordon off the non-market phenomena of life and, as a matter of theory, dismiss them as inconsequential.

In copyright law, for example, the public domain of non-copyrighted works has long been regarded as a cultural junkyard filled with nearly worthless books, music and illustrations. The valuable stuff is propertized under copyright law, goes the thinking. The public domain remains little more than the “*dark star in the constellation of copyright,*” in Professor David Lange’s words.

Similarly, economists regard pollution and social disruptions generated by market activity as mere ‘externalities’ – secondary effects that are trivial compared to the main act of market theory, buying and selling. Market economics has even constructed its own stylized model of human behaviour. It celebrates those behaviours that are ‘rational,’ ‘utility-maximizing’ and ‘self-interested,’ but dismisses other human traits, such as morality, emotion and social identity, as irrational forces of little consequence.

To talk of the commons, then, is to recover important aspects of human behaviour, culture and nature that have been disenfranchised by market discourse. The commons asserts a new and broader metric for ‘value.’ ‘Value’ is not merely a matter of price, but something that is embedded in communities and their social relationships. To talk of the commons is to say that money is not the only meaningful currency; membership in a community of shared moral values and social purpose can be a powerful creative force in its own right. Freedom, it turns out, actually has a larger meaning than maximizing one’s economic ‘utility function.’

The Internet is not the only arena in which market fictions are being debunked and the commons recognized. Behavioural economists, long frustrated by the brittle formal models of economic activity, are developing rigorous new empirical models to describe how real-life markets behave. Instead of assuming that everyone has unbounded rationality and perfect information, for example, they are documenting how emotions and social norms are systemic features of markets. Complexity theorists, too, are showing the serious limitations of rigid, quantitative economic models and theoretical fictions like ‘market equilibrium.’ A far more compelling approach, they argue, is to explore unique evolutionary pathways of economic development and the principles of self-organizing, non-linear change.

What we are seeing is nothing less than the emergence of a new worldview and post-market economics. Some inherent limitations in 18<sup>th</sup> Century property law conventions and economic philosophy are being exposed as inadequate for the 21<sup>st</sup> Century. What has not been achieved, however, is the articulation of a coherent new model to describe the reintegration of economic activity and its social, human context.

The commons paradigm, however, appears to hold great promise. It offers new ways to explain phenomena that conven-

tional economic and property theorists find perplexing. Professor Yochai Benkler, one of the leading legal theorists of the commons, has pointed out that peer production in many instances is simply more productive and innovative than property-driven regimes. He writes that market incentives may be no match for peer production based work that can be done in small enough modular units and later integrated into a larger whole (think Linux, distributed proofreading projects and bird-sighting maps).

The Federal Communications Commission (FCC) in the United States is currently exploring the idea that a commons can be more efficient and equitable in managing the electromagnetic spectrum than a regime of assigned property rights. Instead of the government giving away (or auctioning) exclusive property rights in spectrum, people could exploit new technologies to allow spectrum to be shared by everyone, much as everyone shares the Internet infrastructure. Besides allowing more voices to use a public resource, a commons model would recognize that spectrum belongs to everyone, not just corporate license-holders.

There are compelling reasons to look at the commons as an economic issue. But to stop there is to forfeit the opportunity to re-frame discussion on bold new terms. The promise of the commons is its ability *to re-integrate* the economic and moral, and the individual and the collective, into a new, more humanistic framework.

A conceptual re-ordering based on the commons enables us to talk about roles, behaviours and relationships that cannot be adequately captured by market theory. A commons lexicon gets us beyond market-speak in which everyone must be either a producer or a consumer. It gets us beyond property-speak in which everything must be strictly owned by an individual or corporation. It gets us beyond the short-term, profit-maximizing mindset of the business enterprise, and allows us to entertain broader, long-term objectives that may or may not be profitable for current investors, but are nonetheless useful and socially constructive.

In short, the commons *re-situates* our understanding of creative production from a market context to the larger context of our social life and political culture. Instead of locking us into the pinched logic of property law, contracts and impersonal market transactions, the commons inaugurates a broader, more vibrant and humanistic discussion. New connections can be made between our social lives and democratic values on the one hand, and economic performance and innovation on the other. Issues that might otherwise be ignored – the virtues of transparency, universal access, a diverse ecology of participants, a rough social equity – gain a new theoretical legitimacy.

There is no question that the commons plays a vital role in the economic and cultural production of our time. When that role will be fully acknowledged – and how it will then shape our future actions – is the issue we must confront.