

# On Byways and Backlanes: The Philosophy of Free Culture

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We see before us a turning in free culture. This turning, lies between the claims of the ordinary against those of the extraordinary, and suggests that we need to carefully examine our current situation. The ordinary highlights the fact that even in the beginnings of free culture there existed its middle and its end, that its past invaded its present, and even the most extreme attention to the present is invaded by a concern for the future. Whereas the extraordinary highlights the possibility of thinking that brings us out of this life-world and instead opens out and unfolds the way in which we might reveal a different world. This world could be said to be both *within* capitalism and *between* capitalisms. Here we might think about the transformation of the economic base from an industrial *fordist* form of capitalism, to an economy founded on the valorisation of information and code, a *postfordist* capitalism. Free culture, then, could be said to lie in the interstices, and in so doing could be a rare chance to help to point the way from the lived to the desired.

In this short paper I attempt to follow Heidegger (2000) in suggesting that the work of a philosophy of free culture is to awaken us and undo what we take to be the ordinary; looking beyond what I shall call the *ontic* to uncover the *ontological* (Heidegger 2000c: 28-35). In this respect we should look to free culture to allow us to think and act in an untimely manner, that is, to suggest alternative political imaginaries and ideas. For this then, I outline what I think are the ontological possibilities of free culture and defend them against being subsumed under more explicitly ontic struggles, such as copyright reform. That is not to say that the ontic can have no value whatsoever, indeed through its position within an easily

graspable dimension of the political/technical the direct struggles over IPR, for example, could mitigate some of the worst effects of an expansion of capital or of an instrumental reason immanent to the ontology of a technological culture. However, to look to a more primordial level, the ontological, we might find in free culture alternative possibilities available where we might develop free relations with our technologies and hence new ways of being-in-the-world.

For Heidegger the ontic is at one step removed from the more fundamental level of analysis, the ontological. The ontic is the level of everyday existence and our thought, practices and knowledge with which we go about our normal lives. Within the bounds of the ontic lie our universe of perception and contain the formal and tacit rules and meanings by which we structure our understanding of the world, and indeed on which we rely in order to make the very possibility of action possible at all. Nonetheless, there are important boundaries to the ontic, manifested most clearly in the difficulty we have when confronted by radical difference, that which lies outside the categorical system of perception which structures existence; and hence why some have argued that the possibility of a radically original creativity is impossible. In some important sense, as Derrida observed, our categories are already constituted by their other, 'black', for example is immanent to the concept of 'white', or 'in' to the concept of 'out'. This then presents an important starting point in our understanding of how free culture can act to shed light and open up that which is presently hidden so that we can penetrate through the ontic to the possibilities that are concealed.

We might look at a fundamental level at how free culture relates to being-in-the-world in terms of being thrown into a world of meaning, in other words, how we as 'beings' engage with an already existing culture. Here the possibilities of culture within the philosophy of free culture are unfolded and geared to that of a *gathering* (Heidegger 2000b: 355) – here I am including the sphere of technical as well as explicitly cultural production or *techno-cultural* works. In this way the artefact has a social role, it is itself a locale that can make space for a site and therefore

express more than merely its own properties. We could look at the way in which free/libre and open source software (FLOSS) has revealed the social dimensions of technology in a profound manner and has been key to creating spaces of sociality through the freeing of something within a boundary (Stallman 1992, 1993; Hill 2005). Here, though, I do not mean boundary in terms of something which *stops* but rather as something which begins an essential unfolding, an opening that is presented as a locale, a site which is in anticipation of dwelling by others. This dwelling can be conceptualised as a warm social space where we can share our experiences and welcome each other. This is the common space of free culture, a space of dwelling in which we can build, but importantly this is a commons that is revealed and through dwelling is lived through our being-in-the-world (Berry & Moss 2006).

Nonetheless, for free culture there is a danger that we will be distracted by the immediate concerns expressed over the current struggles in setting the boundaries of intellectual property rights. Again, to reiterate, that is not to say that these are not to be ignored, nor to be forgotten, but rather the question of free culture is whether it is explicitly concerned with the ontic question of copyright (and other intellectual property rights) or rather with the deeper question of the nature of culture, sharing and being-in-the-world at a more fundamental level? For a preliminary answer to this question we can look to the discourses and practices of the Free Software Foundation which appears manifestly concerned at a deeper level with the question of being and the threat that particular modes of relation (which are then solidified into particular legal/ontic discourses) present to the activity of dealings within the world, in this case *hacking* as a social activity. In contrast to this, we can examine the Creative Commons movement and its overwhelming lack of application to any question of being-in-the-world, rather it is more concerned with resources and functions, and indeed its approach is manifested through its desire to provide justifications for its ontic reforms, expressed through its creative commons licences. These are explicitly linked to the possibility of turning the outputs of creative licences into profit, or in more Heideggerian terms,

maximising culture that is produced through these licences as standing-reserve<sup>1</sup> (Heidegger 2000: 322).

Creative Commons seeks not a dwelling, but a database or repository of artefacts. This repository is envisioned as a collection of works which are not organised in relation to one another but collected in a haphazard fashion, made more productive and efficient by an ordering through creative commons licences that allow the individual expression of ownership and authorship to be manifest, to be searched, combined and re-ordered indefinitely. The concept of sharing here, is not that of a social space or dwelling within which we can persist, rather it is the negation of a dwelling, it is a cold and inhuman place, rather like a multi-storey car-park which is a temporary location for the positioning and storage of an assorted array of vehicles but is not meant for human habitation or unfolding. The commons of the Creative Commons is therefore a simulacra of a commons (Berry & Moss 2005), a database that is constructed to reflect the bias of an economic system geared towards the maximisation of efficiency and productivity but promoted through a rhetorical veneer of community, friendship and social exchange.

This then is the beginning on our way into rethinking free culture and preventing us from being blinded by the apparent ontic success of the Creative Commons. It would be more surprising if the Creative Commons movement should not be successful; after all it offers a highly flexible, low-cost ordered collection of resources for use by post-fordist capital. We can see with our own eyes the advantages of a deterritorialised form of fragmented database-stored culture for the vast new corporations that are profitable by virtue of their lucrative foundation in information ordering, reordering and searching. We can also see that we must be careful in differentiating the form of sharing that is loudly proclaimed by the Creative Commons movement with the more significant building and dwelling that is suggested within free culture.

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<sup>1</sup> Everywhere everything is ordered to stand by, to be immediately on hand, indeed to stand there just so that it may be on call for a further ordering. Whatever is ordered about in this way has its own standing. We call it the standing-reserve [*Bestand*] (Heidegger 2000: 322).

Now we must turn to the form of association under which free culture could be organised to realise this ontological possibility. To do this we must also understand that we must look beyond politics as enacted in the ontic realm of common sense to that which is the very condition of possibility for our shared life-world. This is the realm of the political, and it is here that the ultimate categories for drawing the boundaries of political and social life are laid contestable and open to the project of free culture. Here though is a danger as well as a salvation, as we must be careful to keep uppermost in our minds the difficulty of linking diverse political struggle to a common articulation so that the democratic equivalence between competing groups are transformed rather than lost (Berry & Moss 2006). This is the definition of reality that will provide for the form of political experience within free culture and it is here that the work of Mouffe (2005) is suggestive in her discussion of a redeemed civic republicanism which draws on a radical pluralism ensuring the necessary conditions for avoiding coercion and servitude (Mouffe 2005: 9-21). If we are to exercise civic virtue and serve the common good, we must balance the fact that we are multiple and contradictory subjects, inhabitants of a wide range of different communities, structured by a number of dominant discourses and lying at the intersection of alternative possibilities for subject-hood. It is here that we see the outlines of a politics that lies in linking the ontological possibilities of free culture with the democratic struggles that are presented in anti-racism, anti-sexism, anti-capitalism and ecological and green movements. As Mouffe argues this associational form could 'give us an insight into ways of overcoming the obstacles to democracy constituted by the two main forms of autocratic power, large corporations and centralized big governments, and show us how to enhance the pluralism of modern societies' (Mouffe 2005b: 99). However, these struggles will not naturally converge, and will require the free culture movement to engage in dialogue and shared meanings and understandings in order to develop a democratic framework that can articulate an alternative to our existing life-world.

At this point, of course, it is impossible to suggest what a free culture or *libre society* might look like, and it is never safe to write the

recipes for the cook-shops of the future (Marx 1990:99). However, in the dim outlines suggested by the early experiments within free culture, it suggests that we can begin the revolution along byways and backlanes on and in the periphery. Here and now and in little things, it seems that free culture fosters latent possibilities within an alternative to the post-fordist ontology of a connectionist capitalism (Chiapello and Fairclough 2002: 191). Possibilities that we may use in terms of their ability to uncover, to reflect, but also redirect the ontological self-understanding of the age.

## Bibliography

Berry, D M. & Moss, G. (2005). On the Creative Commons: A critique of the commons without commonalty. *Free Software Magazine*. Number 05, June 2005. Retrieved 01/01/07 from <http://www.freesoftwaremagazine.com/files/nodes/1155/1155.pdf>

Berry, D M. & Moss, G. (2006). The Politics of the Libre Commons. *First Monday*. Volume 11, Number 9, September 2006. Retrieved 01/01/07 from [http://www.firstmonday.org/issues/issue11\\_9/berry/index.html](http://www.firstmonday.org/issues/issue11_9/berry/index.html)

Chiapello and Fairclough (2002). Understanding new management theory. *Discourse & Society*. 13(2). pp 185-208.

Heidegger, M. (2000). The Question Concerning Technology. In Krell, D., F. (ed.) *Martin Heidegger: Basic Writings*. London: Routledge.

Heidegger, M. (2000b). Building Dwelling Thinking. In Krell, D., F. (ed.) *Martin Heidegger: Basic Writings*. London: Routledge.

Heidegger, M. (2000c). *Being and Time*. Oxford: Blackwell

Benjamin Mako Hill, 2005. "Towards a standard of freedom: Creative Commons and the free software movement," Retrieved 28/10/2005, from [http://mako.cc/writing/toward\\_a\\_standard\\_of\\_freedom.html](http://mako.cc/writing/toward_a_standard_of_freedom.html)

Marx, K. (1990). *Capital. Volume 1*. London: Penguin.

Mouffe, C. (2005). Radical Democracy: Modern or Postmodern? In Mouffe, C. *The Return of the Political*. London: Verso.

Mouffe, C. (2005b). Towards a Liberal Socialism In Mouffe, C. *The Return of the Political*. London: Verso.

Stallman, R.M. (1992) *Why Software Should be Free*. Retrieved 16/06/2003, from <http://www.gnu.org/philosophy/shouldbefree.html>

Stallman, R.M. (1993) *The Gnu Manifesto*. Retrieved 10/02/2003, from <http://www.gnu.org/gnu/manifesto.html>