



A LITTLE GUIDE OF THE COMMONS

INTRODUCTION

Throughout history, the term “*common*” has been used with different, sometimes contradictory, meanings. Recently, it has gained in popularity to define and accompany the theorization and fabrication of new political paradigms.

Put simply, the idea of “*common*” groups the ensemble of material and immaterial objects that are or should be held “*in common*”. However, as we will see in this short guide, even the understanding of “*holding in common*” can be challenged.

- (1) After succinctly going through the history of the concept of *common*, we will make the distinction between *common* and *commons*.
- (2) in a first part, we will observe that “*common*” cannot be considered as a synonym for public property or State, but rather as a consequence of collective process and action.
- (3) In a second part, we will attempt to explain how culture can, and should be, part of the *commoning* project.
- (4) Last, we will illustrate in practice how recent policies, regulations and legal initiatives in general can go in contradiction or in favour of culture as a common.

FROM COMMONS TO THE COMMON

Historically, the *commons* designated natural materials such as air, water, and a habitable earth. The concept derived from the legal “*common lands*” (which were lands possessed by the Crown), and mainly designated goods that were not privately owned.

In the economic theory, the term “commons”, and by extension “*common goods*”, later became a way to designate a natural resource that shall be accessible to all members of a society (water, air, soil, etc.). They are assumed to be:

- “rivalrous”: its consumption by one consumer prevents simultaneous consumption by other consumers.
- “non-excludable”: it is impossible to prevent people (consumers) who have not paid for it from having access to it.

Considering this very economic definition of the “commons” (or later “*common goods*”), theorists have often made the remark that commoning is not necessarily in favour of sustainability, notably of environmental sustainability. Indeed, in 1833, economist William Forster Lloyd called “*tragedy of the commons*” the process by which non-excludability of goods (the fact that anyone can access it) leads to the satisfaction of self-interest, and thus to the abuse of *common* resources, thereby affecting the interest of the community.

This is the reason why more recent definitions insist on making a distinction between “*commons*” and the “*common*”. This distinction implies an intellectual discernment between an economic approach (“*commons*”), which sees it as goods that can be universally consumed and traded; and a fundamental approach (the “*common*”), that observes it as a grass-root process, a collective activity.

According to philosopher Pierre Dardot and sociologist Christian Laval – who issued in 2015 an essay-book called *Commun* – there is often a misinterpretation between two aspects of the common: the *common* as a public object and a State property (and thus co-property); and *common* as a collective activity and *common* process (and thus co-usage) (Dardot et Laval 2014, p. 48). Taking as a reference this second definition of the common, the main goal in a regime of commonality is to remove objects from the sphere of private property but also, as we will see later, from public property (Dardot and Laval 2014). From that point of view, the application of “*common*” cannot be considered as communism, because the very notion of public “property” is challenged. The *common* is not commonly “appropriable” but commonly “practiced” and “fabricated”. This theoretical position underlines not only the relation between the individuals and the object (property relationship), but also the relation between individuals through *common* action (co-creation relationship).

<i>Commons</i>	<i>Communism</i>	<i>Common</i>
Non-excludable goods	Co-property	Co-creation
Indirect private property	Public property	No property
Access	Right	Process

CULTURE AS COMMON

As stated by Culture Action Europe in our paper “Culture and Wellbeing: Theory, Methodology and Other Challenges: An Itinerary”, *“the intrinsic value of culture, and consequently the consensus surrounding it, have progressively weakened, to be replaced by an instrumental perception of the value of culture, that depends on its economic impact: income, jobs, business, turnover”* (CAE 2015, p. 17). The case of cultural policies, especially in Europe, has shown an important correlation in recent years between the economic situation and indebtedness of European governments, and strategies to either lower the amount of subsidies given to the cultural sector or to invest in profitable organisation and projects. This general tendency results in putting an emphasis on the instrumental and extrinsic value of culture.

However, as stated again by Culture Action Europe in our study “Culture, Cities and Identity in Europe” (commissioned by the EESC), *“the arts can bring people together and help them participate in a mixed community life in ways which give them the chance to build bridges out of their immediate surroundings and – possibly just as importantly – to give those who already have a firm place in the community the possibility to see them in a new and more positive light”* (CAE 2016, p. 38).

Let us now consider and analyse a statement made by Eurozine : *“across Europe, citizens and communities are engaging in new forms of cultural cooperation while developing alternative and participatory democratic practices. This specific act of “commoning” as a collective venture of co-development and co-government of everything held in common is dramatically changing the way we look at our societies. At the same time, the emergence of “the Commons” as an alternative value system is challenging the duopoly of state and market”* (Eurozine 2016, p. 1).

As the previous quote shows, when reconsidering culture and its status in society, the difficulty is located on two levels.

The first one is to shift away from the purely instrumental valorisation of culture – as a more or less tangible, material or immaterial object – that is supposed to have an impact. An intellectual shift necessitates that we consider, as Dewey (1934) says, “*art as an experience*”; art as something that cannot be given an objective or an expected impact beforehand; art and culture as something “*common*”, as something that happens *in situ*, kneaded and moulded in a surprising manner by social interactions, co-created along the emergence of ideas and passions.

Once that intellectual shift appears to be within reasonable reach, a second difficulty resides in simultaneously finding concrete economic, legal and social frameworks to achieve a *commoning* programme. This is the aim of the following, third and last, part.

COMMON AND THE CHALLENGE OF INTELLECTUAL PROPOERTY RIGHTS

Reflecting on the *commoning* of culture – which contradicts the idea of culture solely as a commercial good – will first require to criticise the very manner in which our institutions define culture and translate it into an economic asset.

One of the most contentious problems when translating culture into a monetary value is to define it. Thus, an important part of the work undertaken by those institutions to find a link between culture and economic worth has been dedicated to defining what exactly is meant by the term “culture” and to deciding where the cultural sector should start, as well as where it should end.

UNESCO and EUROSTAT, amongst other, have been proficient in attempting to determine a clear statistical framework for the evaluation of the impact of culture on economic growth. With the concern to find an “objective” reference point, these frameworks often reduce the economic value of culture to the income they generate via intellectual property rights. The amount of copyrighted content traded or exchange thus became one of the dominant ways to evaluate the economic impact of arts and culture.

Coming back to our question on private, public property and *commoning*, we can observe that the question of intellectual property and copyright is at the centre of a potential switch in paradigms - an issue that several supporters of the *common* raised decades ago, and which today has materialized in new forms of copyrighting. The best example of this is the concept of “copyleft”, defined by Richard Stallman in 1985:

“[Copyleft]¹ is not in the public domain. Everyone will be permitted to modify and redistribute [Copyleft], but no distributor will be allowed to restrict its further redistribution. That is to say, proprietary modifications will not be allowed. I want to make sure that all versions of [Copyleft] remain free”.
(Stallman 1985)

The idea of copyleft leads to copyright licensing scheme in which an author surrenders some, but not all, rights under copyright law. Any person will have the right to use, modify or remix the copylefted content – with the only condition that their own content will also be copylefted under the same “fair use” terms. For this reason, we can consider that copyleft licenses are reciprocal licenses, and that the terms of use are self-perpetuating.

¹ Stallman in his definition does not initially mention “copyleft” but “GNU”, which is a framework for free software development. While gaining popularity, the principles of the framework are rapidly being branded “copyleft”.

If it solves the problem of combining intellectual “property” to intellectual “processes” – placing arts and culture back in the position of an object that is not only commonly “appropriable” but *commonly* “practiced” and “fabricated” – *commoning* frameworks still leave an important part aside as, in priority, the question of the remuneration of those producing the art. If everyone indistinctly owns and uses art and culture, if there isn’t any more a difference between a creator and a consumer, what is supposed to financially sustain cultural activities?

CONCLUSION

As a possible conclusion, we could state that, while interesting proposals exist (such as the *Creative Commons* – a flexible copyright framework initiated by Lawrence Lessig), and already offer efficient models for the *commonisation* of culture, those methods cannot be seriously considered if they are not coupled with a political and economic framework that allows to rethink the unilateral relationship between authors/producers and their property. By extension, the idea of *common* encourages to imagine a remuneration model that distinguishes remuneration from the accounting property. In fact, the principle of collaboration contained in *commoning* frameworks – because it is based on a reciprocal and egalitarian relationship – seems to be realistic only if it includes first, in parallel, a mechanism that insures a proper standard of living to all – which yet needs to be achieved in Europe.

The debate therefore goes well beyond the cultural sector alone: Culture Action Europe shall be following and informing discussions and structural proposals in this field in order to develop models which promote sustainable societies in which culture and the arts can thrive.

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