

# Constructing the Digital Commons

## A venture into hybridisation

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Democracy can be understood in two notably distinct ways. In the institutional view democracy is understood as the interplay of institutional actors that represent 'the people' and are held accountable through the plebiscite; public votes, polls and occasionally referenda. The second view on democracy is radically different in that it sees the extent to which people can freely assemble, discuss and share ideas about vital social issues, organise themselves around these issues, and can freely voice their opinions in public fora, as a measure for just how democratic a given society is.

In the second view the state, as the suspect usual embodiment of institutional democracy is not necessarily ruled out. It is, however, clearly delimited in its role as the carrier of democracy. Rather, the state would be seen here as the unfortunately necessary institutional actor that should guarantee the space to exist where democracy as understood in the second view can unfold.

We [1] can put name tags on both views. We speak here about a shift from representational; democracy towards participatory democracy. Implied is also a secondary shift, away from the state and towards the (by far no less problematic) notion of community, as an organising principle for democratic social ordering.

Now, my purpose here is not to write an essay on political theory, but rather to prepare the grounds for a discussion of a concept that is closely aligned with these macro-political trends, and that has surfaced recently in a range of different discussions, and across a range of different disciplines and contexts: the notion of the "commons".

Interestingly the concept of the commons has popped up quite persistently in discussions about the social dimension of communication and networking technology, and the shaping of an emerging network society. What all these discussions and projects share is a concern that the potential of digital networking to create an open and democratic knowledge and communication space is squandered in favour of narrow short term economic interests. Interests, however, that are promoted by some of the most powerful economic and political players on the globe today.

That the figure of the commons pops up in this context may hardly come as a surprise. In societies saturated with media and communication technologies, social processes cannot be understood in isolation anymore, but only in relation to the interconnectedness of all social, political and cultural domains through the various systems of real-time mediation: television, radio, satellite communications, internet and digital networks, cell

phones and third generation wireless media. Conversely the space of electronic communications cannot be separated from the real-life contexts it is interwoven with. The remnants of musings about a disembodied 'cyberspace' now lie dormant in dead web sites as pre-historical remains, the vestiges of the virtual, much like the palaeontological study objects of the various extinct dinosaurs species....

Over the last few years the real-existing powers of vested interests have come into play quite dramatically in the on-line world. After the dotcom invasion and the general push for commodification of the information space, the powers of policing, surveillance and control moved prominently into the digital networked domain. The great experiment of an unfettered communication space that the internet as a public medium seemed to provide, now seems more like a historical and temporary window of opportunity. If we still care about a common space of knowledge, ideas and information, mediated world-wide by networked digital media we can no longer accept that principle as a given; i.e. as 'naturally' embodied in the Internet. Instead the space of interconnected digital networks should be seen as a new site for political controversy and struggle, where the open zones, the on-line gathering places, the shared resources should be safeguarded and protected from the powerful forces that threaten them. There is still a huge potential for the digital commons, but it requires the formulation of a political agenda that needs to be actively pursued.

All this hints at the necessity for a new set of conceptual tools that can help us to understand the conditions under which these new social dynamics unfold. The first dynamic that should be grasped is that of hybridisation: hybridisation of media and communication modes, hybridisation of space, but also hybridisation of disciplines, and hence also hybridisation of discourses. Hybridity is a defining condition where the figure of the commons comes into play. No clean cuts here, no hygienised or independent cyberspace, no virtualisation, but also no stable 'real' that puts our feet on the ground -not even on the battle field, even though people still die there... No escape from the dirt: the domain of hybridity is a messy place.....

### Defining 'The Commons'

Main Entry: common

Function: noun

Date: 14th century

1) plural : the common people

2) plural but singular in construction : a dining hall

3) plural but singular or plural in construction, often capitalized a : the political group or estate comprising the commoners b : the parliamentary representatives of the commoners c : HOUSE OF COMMONS

4 : the legal right of taking a profit in another's land in common with the owner or others

5 : a piece of land subject to common use: as a : undivided land used especially for pasture b : a public open area in a municipality

[Source: Webster on-line dictionary]

The origin of the concept of the commons dates back to the 14th century and refers to the notion of "common land" as it emerged in England at that time. The idea was introduced together with protective measures to tackle the problem that walking paths, required to connect disparate villages and regions with each other, were continuously transformed into farming land, i.e. privatised, thus cutting of the connections between various communities. It turned out that for these paths to remain open they needed some form of public protection, and this protection had to be enforced for the greater good of the "commons".

In a conversation on the digital commons conducted for Mute magazine by the members of the Raqs video collective, co-founders of the Sarai new media initiative in Delhi, Monica Narula recounts that particular history

"I was told by a friend of the ramblers in England – who go on long walks for the wonderful pleasure of taking in "mountain, moor, heath and down" – that when they walk, they do so partly to keep public paths public. Many of these walking routes have emerged from being trod by countless people over countless years. By law, if they are not used by the public to walk on them, they will revert to private ownership."

Monica Narula in, "Tales of the Commons Culture", in Mute Magazine, London July 2001.

There is an almost Wittgensteinian formula here. For the paths to remain common land they have to be used, i.e. the common space is defined and constructed through use. It is not a given, it is a product of living social praxis (indeed like language), and it evolves over time. It is not permanent but can be maintained over many generations, just as long as the next generation actually cares enough about the commons to actually use them.

Importantly the commons here is also not a passive principle, some kind of available resource that can be used, or ignored, according to will. If no one takes responsibility for the commons (here for the common land of walking paths, the space of connection) then the commons disappear. It is organically interwoven with the very fabric of the communities who share this common space .

The commons at first sight is close to the wider notion of public domain. In our FAQ (Frequently Asked Questions) about the public domain, we, a group of writers from Amsterdam, defined the public domain as follows in '99:

"The public domain is traditionally understood as a commonly shared space of ideas and memories, and the physical manifestations that embody them. The monument as a physical embodiment of community memory and history exemplifies this principle most clearly. Access, signification, disgust, and appropriation of the public monument are the traditional forms in which the political struggles over collective memory and history are carried out."

Source: FAQ about the Public Domain – a.o. at:

<http://amsterdam.nettime.org/Lists-Archives/nettime-l-9901/msg00063.html>

The American writer and policy strategist David Bollier however points out that the wider concept of the public domain should be differentiated from that of the commons [2]. The public domain in his view implies a passive open space that can be shared by anyone and everyone, and thus belongs to everyone and no one at the same time. The public domain invites the problem of responsibility. Since there is no boundary implied, nor any kind of ownership, neither private nor collective, nobody feels responsible for the resources that reside in the public domain. [3]

The concept of the commons on the contrary implies boundaries. The commons refers to a resource, to common land, to common means of production, knowledge or information, that is shared amongst the constituents of a more or less well-defined community. There is ownership here, but the ownership is collective, rather than individual. Furthermore, the rules of how these common resources are shared, and amongst whom, are not necessarily fixed in intransmutable rules. In the case of a digital commons, the notion of the commons no longer refers only to a territory, i.e. to a geographically situated community, but can also refer to a group of people who share a common interest or set ideas, yet who may be distributed potentially world-wide. Here we see where the hybridity comes in: the commons is extended from a set of shared physical resources (common land) to an immaterial domain (ideas, knowledge, information), and secondly the commons is extended from something that is necessarily geographically situated (walking paths) to something that is shared across geographical divides, because it is electronically mediated via digital networks. But in all of these cases the commons are not entirely 'free'. There are rules and mechanism of access, and limitations on use that are defined by the shared values of the community sharing these resources.

I do not wish to sketch a parochial image, or proclaim a nostalgia for the traditional (village-) community. The commons communities can take a host of different forms, informal, permeable, professional, situated, dispersed, formal, or anarchic. But they share a set of common characteristics that move them away from the free-for-all notion so often attached to the early developmental stages of the internet as a public medium. Most importantly the concept of collective ownership implies responsibility, and the survival of common resources rely on the willingness of people to take responsibility for them. Often the commons take their vitality from their connectedness to real-life embodied needs and issues, not from their separation and disconnectedness from these earthly concerns – this fleshes out a further sharp distinction from the cyber-utopian discourses of the late 90s. It re-emphasises the need to explore the conditions of hybridisation that inform the digital commons and that require specific strategies to make them viable.

## **Hybrid Media**

The first immediate strategy to engage this new terrain of hybridity is to no longer consider the networked media as separate from the rest of the media landscape. On the one hand there has been a much discussed technical convergence of media, where the

means of production of traditional media have become increasingly digital and thus promote cross-connections between formerly separate media forms, disciplines, and fields of application. But more important and interesting is the paradox that while a plethora of new media forms emerged because of digitalisation of different media forms and because in the course of this development media production tools became radically simplified and cheaper, this trend at democratisation of the media on the level of its technical realisation has in no way threatened the dominant position of mainstream media in determining public discourse. So where is that dreamt of democratic media space?

In fact enormous concentrations of media production facilities, companies and distribution lines in the hands of only a very few corporate media giants has pursued the digitalisation and convergence of media as much as its supposed democratisation. This move towards integration (horizontal and vertical, i.e. not only production but also distribution of media products) has seriously diminished the diversity of the mainstream media landscape. Standardisation of formats and one-sided programming choices are exported world-wide in a move towards unification rather than diversification. The alternative media have been left behind in a marginalised position, not able to communicate to a wider audience beyond their own constituency, often relegated to the ghetto of the Internet.

The counter strategy is that of hybridisation of the media themselves. Where the corporate mainstream embraces hybridisation as a way of extending its market share, the 'other' media seek to broaden their communication space. It is here where the lessons can be learned from the sovereign experiments that have been conducted throughout the late nineties by the artistic and subversive media producers: The successful mediator needs to be platform independent, must be able to switch between media forms, cross-connect and rewire all platforms to find new communication spaces. In this context we see where the experiments with web casting and cross connections to radio, television, cable and even satellite become extremely valuable – they become tools to break out of the marginalised ghetto of seldomly visited web sites and unnoticeable live streams.

All these cross connections can create a sovereign media space that is not defined by functional interests (power, money, market share), but orient themselves primarily on establishing a new kind of public communication space, no longer the exclusive domain of the professional media elite...

## **Hybrid Space**

The second strategy is that of hybridising different spatial logics. The commons today exist primarily in the sphere of mediation, which by virtue of satellite and network connections have become potentially global. While places do still matter very much, if only because more than 80 percent of the worlds population is disconnected from the sphere of electronic and in particular digital mediation, social discourse and communication and

thus ultimately the language of power itself is shaped in this sphere of electronic mediation. It has become a common place observation that in war the centres electronic mediation and communication, the relay points, have become the prime target of any attacking force.

But this electronic mediation only makes sense if in the end it reconnects to embodied material reality. If we want to make the new sphere of power democratically accountable, and carve out the open spaces for unfettered public communication, we need to think about models that can address the hybridity of these spaces; the connections and disjunctures between the places in which people live and the sphere of electronic mediation that increasingly determines the conditions under which they live in those places.

There are no simple formulas to describe how these different spheres actually relate to each other, the connections are manifold and often site specific, yet the complexity is so great to go by them on a case by case basis. So we should approach them with necessarily incomplete models and descriptions. What we can do is to explore the spatial logic and social dynamics of the physical public space and the mediated public communication spaces. Rather than theorising them it seems more productive to approach them by creating specific conditions of experiencing the differences and connections between these two spatial logics. This move from discourse to experience invariably brings us to the domain of the arts.

## **reBoot**

In 1999 we, De Balie centre for culture and politics in Amsterdam and the Academy of Media Arts Cologne, organised an interesting experiment that very consciously explored the relationship of the physical public space, in transitory setting and where possible connected in real-time to the 'place-less' electronic media space. The project called reBoot – a floating media art experiment, put about 50 artists (German and Dutch) together on a big party boat for a week, which was transformed into a floating media laboratory and presentation and performance space. The boat moved between Cologne and Rotterdam and Amsterdam, and docked in the cities Düsseldorf, Duisburg, Emmerich, Arnhem and Rotterdam (all on the river Rhine, and finally ended up in Amsterdam).

reBoot web site: <http://www.khm.de/~reboot/>

The interesting experience was first of all the fixity of the media location of the project, a web site with a fixed URL, some live streams with sound and video material and TV broadcasts mainly on Amsterdam cable television. During the week as much material as possible was released through these fixed media channels. The permanently changing position of the boat and the artistic experiments that were conducted on board in reference to the changing scenery and context the boat were in sharp contrast with the fixed media location. Suddenly the media location seemed to be much more of a stable point, a 'place', a reference point, than the physical space.

It introduces us to a reversal of perception that will become increasingly strong over the coming years as we stand on the threshold of the wide adoption of a new generation of wireless media. Increasingly our physical location will become transient and fluid, whereas our media location becomes increasingly fixed. There seems to be a compelling need to always be connected, to have a fixed and continuously accessible media location, while at the same time there is a growing anxiety and desire for control over the new fluidity of the physical location. As wireless and mobile media become more sophisticated they increase the potential for physical mobility (since you can now be reached anywhere and you can work everywhere), but this mechanism only increases the anxiety about the loss of grip on the "other's" whereabouts. Today this is already exemplified in the continuous question by mobile phone users "Where are you?" to the person at the other end of the line.

## **Urban Intervention**

Where before the social space was the town square, the parks, the halls of assembly, the sites of demonstrations and mass gatherings: the sites where social discourse was shaped, now electronic media introduce a new scale to human affairs and social relationships. This is nothing new. It is an on-going process since the invention of telecommunications, radio and television, and the many new communication technologies that followed them. Yet, the feeling remains that whoever controls the city space holds true power. The sway of control over public urban space projects a strong sense of power that also works in the media environment, perhaps as a sign of the lost 'real', who knows?

The desire to have a stake in shaping public discourse implies the need to create not only a hybridised presence in the media environment beyond the ghetto of the internet, but also that this presence should manifest itself on the streets. It is in the interplay between these two spaces in particular, urban and mediated, that social discourse and communication takes shape. If these spaces should be opened up for alternative arguments, ideas and participants hybridised forms of intervention are required.

I worked together with Moscow based curator Tania Goryucheva on the Russian / Dutch art and media project "Debates & Credits – Media Art in the Public Domain". For the project four artists and artist collectives from Russia and four from The Netherlands were invited to design interventionist media projects for the public urban space. These projects were finally executed in the Fall of 2002 in Amsterdam, Ekaterinburg and Moscow respectively.

The project was triggered by the obvious crisis of the urban public space in Moscow. The city is completely overgrown with commercial advertising, a new form of propaganda. Driving around the city one is struck by the pervasiveness and aggressiveness of this new urban visuality. The advertisements have escalated into a completely over-dimensional scale. Billboards transform into giant kinetic sculptures, the original structure of the city lay-out at times disappears completely in a sea of billboard messages,

competing for attention. At other times entire buildings are transformed into a corporate message, while elsewhere historical buildings and sites are re-branded as a monument for a mainstream brand of beer or a luxury car producer.

The city space seems out of control, fallen into anarchy... But when we started to investigate how to place our artistic projects inside this public space we found out that this seemingly anarchic out of control space was in fact tightly regulated. So much so that some of the projects planned for the Moscow edition of the project had to be executed without any permission (and with significant risk), or cancelled or reframed.

The project looked at public space deliberately as a combination of physical and media spaces. The artists also developed a wide range of different interventions that somehow played with this double character of social space, from small scale street performances (filmed and broadcast on television) to spectacular mobile projection actions in characteristic spaces in Amsterdam and Moscow, art works prepared specially for TV and in Ekaterinburg also for outdoor electronic screens in the city centre, projects for public transport sites, wall paintings, but also an internet forum on legality and illegality initially connected with street interventions

These interventions, often poetic, at times confrontational, sometimes intimate, personal, sometimes spectacular, can be seen as attempts to develop models for opening up urban and media spaces for other forms of social communication that deviate from the main-stream norm. The estrangement of these spaces by the intrusion of alien elements in the main-stream public environment breaks the norm of these spaces and can (temporarily) open them up for a variety of alternative discourses, cultural forms, and ideas.

Debates & Credits – A Dutch / Russian Art / Media Project:

D&C web journal: <http://www.debates.nl>

D&C general pages: <http://www.balie.nl/d&c>

## **Hybrid Discourses**

Finally it is important to note that the figure of the commons has emerged across a wide variety of disciplinary contexts. This implies that the adoption of this concept by all these different disciplines gives rise to hybridisation of different disciplinary discourses. Besides the concept of the digital commons as put forward by the Raqs collective and Sarai from Delhi, two other strong initiatives have emerged that embrace the notion of the commons in the struggle for a more open and democratic knowledge and information space.

The Information Commons:  
<http://www.info-commons.org>

The Information Commons is a project that stems from the American Library Association that see a big threat in the commodification of the digital information space and the imposition of ever stricter copyright rules and Intellectual Property Laws. They see this development as a mayor impediment to their appointment to make as many information and knowledge resources available to the wider public as somehow, anyhow, possible. Where technically the digital media hold an enormous potential for their mission, the new legal frameworks, most notably the Digital Millennium Copyright Act (DMCA) pose increasing limitations on their ability to fulfil their mission.

The Creative Commons:  
<http://creativecommons.org>

Similarly, the Creative Commons is another project that reacts to the stringent limitations imposed by new legal systems such as the DMCA on the digital world. But here the project is coming from the side of Information Law. Driven primarily by information law specialists Lawrence Lessig and James Boyle, the creative commons offers a set of licensing systems that enable people to release their intellectual products with various degrees of freedom. Lessig, Boyle, and many others are afraid that the ever stricter IPL frameworks stifle cultural and intellectual development, and in the end will kill-off the creative and innovative potential of digital networking. Cultural development has always relied intrinsically on the exchange of new ideas and innovations, and should be considered an incremental process. New forms and cultural concepts don't just drop out of the sky like some deus ex machina, they are created by dialogue, contention and disagreement. The question of 'ownership' here is in any case questionable, and in many cultures actually non-existent when it comes to cultural concepts, forms and ideas.

Beyond the rethorics of innovation it is important to recognise that a democratic society and a democratic mode of social communication cannot exist without open access to information, knowledge, and ideas. Even more so it requires the possibility for citizens to get access to the variety of communication spaces I sketched here; physical, urban, and mediated. These resources and spaces are no natural givens, no passive entities, they need to be created, protected and maintained, they are the commons, that what is shared by a community of people who care enough to sustain them through actual use.

Notes:

1 – "We" should be understood to refer to a number of theorists who have circled around this conceptual shift. Most recently Naomi Klein critiqued the World Social Forum for loosing sight of this important political distinction (Klein, The Hijacking of the WSF, Jan. 20, 2003)

2 – See david Bollier's website for further details: <http://www.bollier.org/>

3 – There is a further complication that outside of the Anglosaxonic cultural sphere the notion of public domain and its translations means a host of different things – the con-

cept of "la domaine publique" in French for instance refers strictly to the domain of the state. The commons as a term remains by and large untranslatable since the notion of common land is not a transferable concept, but at least it does not give rise to erroneous cross-language interpretation...