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Diggers and Dreamers of the 20th and 21st Century: Creative Commons, Open Source and Digital Folklore

The Digital Britain Report (2009) and European regulations raise concerns about ownership of the net and the impact on its potential as a 'common land'. Are these new regulations 21st century enclosure acts? If accessible territory is carved up and owned by the few, why should we care?

In 1649 Gerrard Winstanley's Diggers utilising common land aimed to promote communal and collective production and laid the foundations for the concepts embedded within FLOSS/Creative Commons practices.

Winstanley's vision of an egalitarian society came to him in a dream yet despite this mystical associations his vision should not be considered less valid. I suspect Tim Berner's Lee and other early Internet and open source pioneers would have much in common with this 17th Century visionary's ideals.

Looking more closely at the concept of common land or 'the commons', those spaces or resources 'held in common' (Bollier 2003), it is apparent that in practice 'the commons' are actually shared or owned by a distinct, easily identifiable group of individuals. Whether grazing animals, enacting traditions or remixing audio or sharing code, users of common land will have shared interests and values.

Although there is often a proprietary or cost aspect somewhere even if not overtly so, it is the understanding of the commons as accessible that is necessary for an expressive culture. In fact the potential for expression thrives within an environment where it is understood, that unless forbidden, much is possible.

When I use the term digital folklore I am not referring to Theresa Heyd's definition of Digital Folklore i.e. 'relating to computer mediated communica-

tion e.g. hoax emails or urban legends traceable back to office lore' (Giltrow & Stein 2009, p239).

Nor, although related, is it what the editors of the Digital Folklore Reader, define as 'the customs, traditions and elements of visual, textual and audio culture that emerged from users' engagement with personal computer applications during the last decade of the 20th and the first decade of the 21st century (Lialina and Espenschied 2009, p9).

Folklore originally referred to the 'otherness' of 'Folk' – collections and practices of 'rural peasants' (Trubshaw 2003, p4) not regarded as gentrified culture and what 'others' do. These practices of 'others', while being populist, are accessible to the cultural elite who also participates.

Within folkloric practices there is an understanding that activities are accessible, experimental and collectively owned. This collective ownership enables the activities to be constantly re-invented and re-invigorated. Although local traditions may seem to have a collective ownership that can appear exclusive, in terms of copyright anyone can re-mix that tradition. In fact this constant re-invigoration and re-invention within the context of their time could be the reason they survive, through their ongoing relevance. These self-organised and emergent activities have an important function within society through the creation of spaces for expressive culture and as Sahlins states 'do not passively reflect a culture they shape it too' (Sahlins 1985, pxi).

If a culture shifts to an understanding of only sanctioned activities being permitted, or cost becomes a prohibiting factor this contributes to a two-tiered system. Although this does not in itself stifle imagination it instantly reduces the available space within which the imagination and its expression can be manifested. This then begins to shape the culture.

Currently Internet access supports open source activity providing a platform for a complex multi-tiered system. This emergent accessible culture, common in folkloric practices is celebrated and protected within Creative Commons/ CopyLeft licenses. The sharing and production of Open Source software sees user and developer relationships mirroring the practices of populist folkloric practices.

Guattari acknowledges the value of accessible spaces, in particular the concept of the rift or rupture e.g. accessible space. Although he applies this idea to art practices, I would argue that it is the space created that is important whether this is as art, folkloric practice or the culture of Open Source and Creative Commons.

Such accessible spaces create 'new affirmation[s] of the world' (O'Sullivan 2006, p2) and the activities in these spaces are what Guattari calls 'fundamental encounters' (O'Sullivan 2006, p1). The web 'encourages people to adopt new habits and roles, as collaborators, distributors, editors and creators of content' (DBR 2009, p7). These activities enable us to create new affirmations and manifestations of our worlds, facilitated and protected by FLOSS and Creative Commons-licences. This emergent behaviour of de- and re-territorialisation can be seen as a continual process of becoming crucially important for an expressive culture.

In a world of faux public space, health and safety regulations and security it is necessary to preserve accessible spaces for expressive culture. Internet regulation and legislation could inhibit these practices just as the regulation of folk practices did during the Victorian era.

People want to do what we have always done – connect and interact. This paper acknowledges the continuity between the practices enacted in both digital and material cultures.

The idea of common liberty is still held as a deep-rooted belief and I would argue for the moment at least, is alive both on and offline.

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