FLOSS CULTURE

Adnan Hadzi

This paper continues the debate raised in the Next 5 Minutes media conference

In 1985 Richard Stallman formulated an alternative to, some might say resistance against, the practice of locking away computer source code through the use of copyright: *The GNU Manifesto* (1985). In *The GNU Manifesto* Stallman advocates four major freedoms for anyone engaging with Free Software:

0) The freedom to run the program for any purpose.

1) The freedom to study how the program works and adapt it to your needs.

2) The freedom to redistribute copies so you can help your neighbour.

3) The freedom to improve the program and release your improvements to the public, so that the whole community benefits (1985)

Stallman went on to write the first 'copyleft' license, the General Public License (GPL), arguing for access to source code as a basic "human right", by paraphrasing the Bill of Rights of the United States stating that "the ethical response to this situation is to proclaim freedom for each user, just as the Bill of Rights was supposed to exercise government power by guaranteeing each citizen's freedoms" (2001). The GPL as well as the Open Source Definition (DiBona et al. 1999, p.171) are often referred as the roots of the 'copyleft' attitude, also applicable to non-software information, which in the hacker lexicon the jargon file (Raymond & Steele 2003) is defined as:

copyleft /kop'ee-left/ /n./ [play on 'copyright']

1. The copyright notice ('General Public License') carried by GNU EMACS and other Free Software Foundation software, granting reuse and reproduction rights to all comers (but see also General Public Virus)

2. By extension, any copyright notice intended to achieve similar aims (Raymond & Steele 2003)

Copyright asserts ownership and attribution to the author. Copyright protects the attribution to the author in relation to his/her work. It also protects the work from being altered by others without the author's consent and restricts the reproduction of the work. Copyleft is not an anti-copyright but rather an extension of copyright: it includes copyright through its regulations for attribution and ownership reference to the author. Nevertheless, it also extends copyright by allowing for free re-distribution of the work and, more controversially, the right to change the work if the altered version attributes the original author and is re-distributed under the same terms. A user can exercise those freedoms provided that s/he complies with the conditions of this license. I would argue that applying such copyleft licenses to media productions is a possible strategy for enabling media and arts practitioners to engage in collaborative production processes.

For the copy-paste generation, copyleft is already the natural propagation of digital information in a society which provides the possibility of interacting through digital networks. In doing so one naturally uses content generated by others, remixing, altering or redistributing it. At the same time the Debian project, an independent decentralised organisation of mainly computer coders, argues for 'copyleft' over 'public domain' as the latter is not a good alternative to copyright, "because some will try to abuse this for profit by depriving others of freedom; as long as we live in a world with a legal system where legal abstractions such as copyright are necessary, as responsible artists or scientists we will need the formal legal abstractions of copyleft that ensure our freedom and the freedom of others" (1997).

It is not only corporate companies who strongly enforce copyrights, but also established artists and writers who are afraid of losing their position: "Plagiarism and piracy, after all, are the monsters we working artists are taught to dread, as they roam the woods surrounding our tiny preserves of regard and remuneration" (Lethem 2007). The fear of copyright infringement often derives, not only from producers and publishers who are making most of the profits from sales of intellectual property, but also from writers and artists fearing their 'bread and butter' will vanish if shared freely. Linda Smith even argues that copyright is an extension of colonialism. Smith explains that the 'project modernity' ended the absolutist society (feudalism), and it signaled the beginning of the 'modern' state. This new state system, being born out of the industrial revolution, had to fulfil the requirements of the ruling economic forces. According to Smith, a system of ideas started to focus on self-interest and on a state system that had to regulate a "public sphere of life" (2006, p.59). With this system being accepted, liberalism and the ideology of individual autonomy and self-interest ideas could be discussed in academia, especially the 'scientific exploration' of the rest of the world by Europeans. The 'modernist project' was born with the systematic exploitation of indigenous people in the 18th and 19th centuries. "The production of knowledge, new knowledge and transformed 'old' knowledge, ideas about the nature of knowledge and the validity of specific forms of knowledge, became as much commodities of colonial exploitation as other natural resources" (Goonatilake 1982). In *The Contestation of Code* Berry argues for an analogy between code and law:

As technology increasingly colonizes and structures more aspects of our lives it is becoming increasingly important that the constitutive nature of technology as socially shaped is recognized (Kesan & Shah 2002). If computer code is analogous to law (Kesan & Shah 2002), then it is clear that without some form of democratic accountability the code-based regulation of human behaviour will continue to lack legitimacy (Habermas 1988). It is ... an important challenge for wider society to recognize that values are being instantiated within technological forms that can and should be contested before they become sedimented. (2004, p.83)

In that regard intellectual property (IP) law seems to be a romantic idea for authors of computer code, but more and more also for authors of texts, as well as media and art productions, because most authors have become nothing other than employees, the profits go to the software and media moguls, and the big moguls lobby for the extension of intellectual property laws. Proprietary software is an exercise in power politics because the IP laws grant firms power and control over the programmers and the users, and only a "few make the basic software decisions for everyone" (Stallman & Kuhn 2001). A possible alternative to this exploitation of authors might be through the principles of attribution and share-alike, meaning "that while creative work may always be copied, modified and synthesised into new works, previous creative work is valued and recognised by the community for its contribution to creativity as a whole" (Berry 2005, p.4). Furthermore the FLOSS movement could regain control over projects through the use of componentisation which "is the process of atomising (breaking down) resources into separate reusable packages that can be easily recombined" (Walsh 2008). More and more technology shapes our social lives, therefore the discussion around the constitutive nature of technology becomes an issue. "Introducing democratic accountability to code may well be the democratic challenge of the twenty-first century and steering the implementation of technological artefacts will increasingly contribute to our ability to keep our future open and democratic" (Berry 2004).

This could signify a *Culture Without Commodities* (Stalder 2002). To a certain degree this is already being practised within the fields of music and software programming and some forms of cultural production (such as avant-garde, underground, DIY-movements, parts of academia and Open Source movements) that are not selling objects. The motivation of those groups is not the commerce, but the recognition, often by limited numbers of people, that the exchange between peers is the vital part of a culture without commodities. FLOSS culture, which extends into net culture, is more than about what happens between people and networks. In *Free Software as Collaborative Text* Florian Cramer argues that FLOSS is a "rare example of electronic literature which does not confuse the Internet with web browsers" (2000). As FLOSS is a non-rival, non-excludable good it cannot be sustained according to conventional market logic. Paradoxically it is being sustained, exceeding often "the capabilities of conventional proprietary, binary-only software" (J. Boyle 2003, p.44). But for Chris Atton it "seems that the dominant regimes of copyright and intellectual property relations are unlikely to be replaced by a new model based on social authorship. At best, these practices of file sharing on the Internet appear as marginal interventions that can do little more than chip away at the enduring and limiting logic of capital" (2004, p.110). In that sense we might soon be witnessing a disappearance of public spaces in cyberspace, as happened with urban public spaces. Urban public spaces were planned in the form of parks, squares, and promenades. These spaces served for people to meet, communicate, exchange ideas, and expose themselves to diversity. But today urban public spaces frequently do not support this freedom any more because often they are privately owned places, like shopping malls, which can prohibit any action that hinders the consumption of commodities, such as demonstrations.

Remember that a 'boulevard' was originally a walk planted with trees which circled the town and usually occupied the space where the old ramparts had been. (Perec 1974)

On the other hand, digital networks provide new possibilities for participatory media practices, especially through the use of Free Software. Since art and ideas never develop within an art-historical vacuum but always feed on the past, Free Culture promises to make our cultural heritage accessible to everybody to re-read, re-use and re-mix as they like, "without open access to the achievements of the past there would be no culture at all" (Medosch 2003)⍰. Participatory culture often ignores or violates copyright restrictions that might apply to media artefacts or software employed; this form of 'piracy' and sharing can be perceived as a cultural statement.

But one ought have a critical stance towards the notion of the 'free', because 'free' is included within the economic system and, as such, file-sharing is part of the economy. Free production, as well as sharing, should be an option, allowing for experimentation, and "producing culture with other economic models, on a global scale" (Lovink & Rossiter 2006). An example is the academic AAAARG file-sharing network: an effective distribution system in terms of its scalability, openness and durability – only made possible, however, as a conglomerate of both human and non-human agency. In fact, file-sharing can not only be used for distribution, but for actual collaboration and production. In that sense a legal system, social contracts, aiming to control the data spheres, needs to be tailored carefully because "sharing" a file is not equal to "sharing" in the physical world, it is rather facilitating the copying of that file (Logie 2006, p.85). *In his research on file-sharing, Jonas Andersson refers to the situation as being controlled by the most driven producers and consumers, and further states that the old distribution model is so impoverished that it chooses the safest route, "the most bland of bets" (2009b). Boyle warns in Guerilla Television Revisited (1997) of the pitfalls of participatory media. For Boyle historically such cultural statements, coming from media and arts collectives and their participatory media practices, have often been absorbed and used by mainstream media, paradoxically the very institutions these collectives resisted and tried to change.*

I further argue that the windows of opportunity emergent digital networks are currently offering might be short lived, especially the potential of decentralised distribution technologies such as file-sharing. Due to current changes in legislation we see the first examples of digital networks being formatted and regulated, for example the blocking, and many argue the censorship, of websites offering access to decentralised distribution technologies. FLOSS culture therefore might allow for a new legislation, as well as alternative licensing schemes and open contracts offering participatory media producers a possible legal framework. Thus applying the notion of 'social contracts,' the notion of open and distributed sharing can be reinforced as an overall heuristic and social ethos.

Seen in the light of media moralities media production for the welfare of others challenges the ideological belief in the 'individual' having to succeed. When sharing code (Himanen 2001), media, art and culture in general, it is ultimately a challenge to one's own ego, and it is also a subversion of selfishness. Arguably our drive to own property, or in the context of FLOSSTV 'intellectual' property, makes us underestimate the difficulty of engendering a greater compassion in ourselves for those we live with and share our lives with– basically the society we are part of:

The purpose of property is to ensure a propertyless class exists to produce the wealth enjoyed by a propertied class. Property is no friend of labour. This is not to say that individual workers cannot become property owners, but rather that to do so means to escape their class. Individual success stories do not change the general case. As Gerald Cohen quipped, 'I want to rise with my class, not above my class!'.
(Kleiner 2007)

Everything we consider we own is always dependent on others. Any intellectual property (and indeed all cultural production) is based on others' efforts, dependent on others' labor, dependent on audiences supporting one's own production. Intellectual property becomes interdependent. If we accept that the welfare of others is as or even more important than our own welfare, if we accept that we all have equal rights, we can decide that intellectual property is unjust, or, to paraphrase Pierre-Joseph Proudhon (1840), that *intellectual* property is theft.

Without becoming aware of and challenging one's own greed and selfishness there is no progress towards 'social' media. The novelist Norman Mailer stated that "the only way socialism can work is if there is … some larger sense of things. [Otherwise] you just getthe play of egos" (Quoted in Bellos 1997). My view is that any FLOSS practice needs to analyse its motivation in order to overcome ignorance of greed, and that "it is not enough to address ignorance with political argument, because anger and greed are an active form of ignorance - they repel counter-arguments. If we are to open minds, we must also open hearts" (Edwards & Cromwell 2009, p.251). Engaging with FLOSS practices then becomes a virtuous action, an ethical practice. *A spiritual master, Śāntideva, once wrote in the 8th century: "All those who are unhappy in the world are so as a result of their desire for their own happiness. All those who are happy in the world are so as a result of their desire for the happiness of others. … Note the difference between the fool who seeks his own benefit and the sage who works for the benefit of others" (1997).*

References and Notes:

Bibliography

Andersson, J., 2009. Orchestral manoeuvres in the dark. the liquidculture notebook. Available at: http:// liquidculture.wordpress.com/2009/10/28/orchestral-manoeuvres-in-the-dark/ [Accessed November 3, 2009].

Atton, C., 2004. An alternative Internet, Edinburgh: Edinburgh University Press Ltd.

Bellos, A., 1997. Fighting talk from a literary heavyweight. The Guardian, 23rd September 1997.

Berry, D., 2004. The Contestation of Code. Critical Discourse Studies, Vol. 1(No. 1), pp.65-89.

Berry, D., 2005. The Libre Culture Manifesto. Free Software Magazine. Available at: http://www. freesoftwaremagazine.com/files/www.freesoftwaremagazine.com/nodes/1121/1121.pdf [Accessed February 23, 2009].

Boyle, D., 1997. Subject to Change: Guerilla Television Revisited., Oxford: University Press.

Boyle, J., 2003. The second enclosure movement and the construction of the public domain. Law and Contemporary Problmes, 66(1&2), pp.33-74.

Cramer, F., 2000. Free Software as Collaborative Text. netzliteratur.net. Available at: http://www. netzliteratur.net/cramer/free_software_as_text.html [Accessed September 12, 2009].

Debian, 1997. Debian -- About Debian. Debian.org. Available at: http://www.us.debian.org/intro/about [Accessed February 26, 2009].

DiBona, C., Ockman, S. & Stone, M. eds., 1999. Open sources, Sebastopol, CA: O'Reilly.

Edwards, D. & Cromwell, D., 2009. Newspeak in the 21st Century, New York: Pluto Press.

Goonatilake, S., 1982. Colonies: Scientific Expansion (and Contradiction). Review, 5(3), pp.413-436.

Habermas, J., 1988. Legitimation Crisis, London: Polity Press.

Himanen, P., 2001. The Hacker Ethic, New York: Random House.

Kesan, J.P. & Shah, R., 2002. Shaping Code. SSRN eLibrary. Available at: http://papers.ssrn.com/sol3/ papers.cfm?abstract_id=328920 [Accessed October 9, 2009].

Kleiner, D., 2007. Copyfarleft and Copyjustright. Mute Magazine. Available at: http://www.metamute. org/en/Copyfarleft-and-Copyjustright [Accessed December 31, 2010].

Lethem, J., 2007. The ecstasy of influence: A plagiarism. Harpers Magazine, February. Available at: http://www.harpers.org/archive/2007/02/0081387 [Accessed March 26, 2009].

Logie, J., 2006. Peers, Pirates, & Persuasion, San Francisco: Parlor Press. Available at: http://www. parlorpress.com/pdf/PeersPiratesPersuasion-Logie.pdf [Accessed March 31, 2009].

Lovink, G. & Rossiter, N., 2006. Have we been creative yet? The Creativity, pp.1-3.

Medosch, A., 2003. Piratology: the deep seas of open code and free culture. In Kingdom of Piracy, ed. DIVE. Liverpool: FACT, pp. 8-19.

Perec, G., 1974. Species of Spaces, London: Penguin.

Proudhon, P., 1840. What is Property?, Paris: Gutenberg. Available at: http://www.gutenberg.org/files/ 360/360-h/360-h.htm [Accessed March 15, 2010].

Raymond, E.S. & Steele, G., 2003. The Jargon File: Copyleft. CATB.org. Available at: http://www.catb.org/ jargon/html/C/copyleft.html [Accessed October 12, 2009].

Santideva, Wallace, V.A. & Wallace, B.A., 1997. A guide to the Bodhisattva way of life, Snow Lion Publications.

Smith, L.T., 2006. Decolonizing methodologies, New York: Zed Books.

Stalder, F., 2002. Culture without Commodities: From Dada to Open Source and Beyond. residence. Available at: http://residence.aec.at/kop/writers/html/w3texts.html [Accessed June 26, 2009].

Stallman, R., 1985. The GNU Manifesto. Dr. Dobb's Journal of Software Tools, 10(3), pp.30-35.

Stallman, R. & Kuhn, B.M., 2001. Freedom Or Power? GNU Project - Free Software Foundation (FSF). Available at: http://www.gnu.org/philosophy/freedom-or-power.html [Accessed December 25, 2009].

Walsh, J., 2008. Componentization and Open Data. In A. Hadzi, ed. Deptford.TV II: Pirate Strategies. London: OpenMute.