

# Freedom of Culture

## The Regulation and Privatization of Intellectual Property and Public Domain

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Recent years have seen a politicization of the ‘common’ in the public domain. This intensification of the debate stems from a growing number of conflicts between public and private with respect to the ownership and control of knowledge and culture. ‘Freedom of culture’ has become a pressing issue with both legal and ethical ramifications: it concerns the extent to which culture and knowledge can be freely distributed, exchanged or appropriated, and the guarantee of places where the ‘commons’ can manifest themselves and be discussed.

The expansion of restrictive legislation relating to copyright and intellectual property, as well as the increasingly inaccessible technical architecture of the Internet, the source codes, are jointly responsible for the rise of movements or initiatives such as Free Software, Open Source, Libre Commons, Copyleft, Free Culture and Creative Commons, projects which differ widely with regard to politics, philosophy and chosen strategy, but which all interpret ‘free’ as ‘free as in free speech, not free beer’. The activists in particular are concerned not merely with fighting copyrights or creating alternative licences and free spaces, but with realizing a social vision. Michael Hardt and Antonio Negri, for example, argue in their writings about power and the masses in an era of globalization, for an ‘an open-source society, that is, a society whose source code is revealed so that we can all work collaboratively to solve its bugs and create new, better social programmes’.

Concepts like originality, authorship and ownership were already being explored in art and philosophy in the 1970s and ‘80s, at which time ‘appropriation’ became an explicit figure of speech. Compared with the massive scale on which culture is being appropriated and exchanged today, due in no small part to digitization, this now looks more like a symbolic, intellectual and elitist affair, more like an artistic project than a social strategy. But the flip side of today’s ‘free culture’ is a growing measure of regulation and control in which some people discern the contours of a ‘permission culture’. At the same time, there is a growing tendency to outsource elements of public culture to private parties (patrons, corporations and the like) who are then able to co-determine what will be released or made publicly accessible and what not.

*Open 12* examines the consequences of these developments for the ‘free’ realization and exchange of culture, the dynamism of art and the balance of power in the public domain and urban space. It looks at new restrictions but also at new possibilities. The emphasis is on questions surrounding the privatization of intellectual property on the one hand, and on public space as creative practice on the other.

Stephen Wright ponders what the growing privatization of knowledge means for art as a form of knowledge. Brian Holmes also looks at the privatization of knowledge, but in relation to the collective, technologically determined space in which language and communication acquire meaning. McKenzie Wark, author of *A Hacker Manifesto* and *Gamer Theory*, describes the adventure of publishing his books in light of his own theory.

Joost Smiers criticizes the current copyright system and leading alternatives like General Public License and Creative Commons. He puts forward an alternative proposal for returning 'to the commons what has always belonged to it'. Willem van Weelden questions the effectiveness of the activist credo of 'becoming minor' in relation to Net criticism of Lawrence Lessig and Creative Commons.

In 'Artistic Freedom and Globalization', Pascal Gielen seeks to return art to a role that encourages reflection and argues for the creation of a free zone that would entail accepting globalization in all its complexity. Maxine Kopsa interviews British artist Chris Evans about his project *Militant Bourgeois: An Existential Retreat*, which focuses on the area of tension between patronage (in particular the increasingly criticized Dutch system of government grants) and the contemporary production of art. In his column, Arjen Mulder states that 'an artist doesn't live on in his oeuvre, but in his fakes'.

Architect Dennis Kaspri collaborated with Jeanne van Heeswijk on a supplement entitled 'Guest ≠ Welcome' in which they react to the discourse of segregation in urban space with new models for care and hospitality aimed at developing a better understanding of the fragile situation in which the residents of the so-called *Zones Urbaines Sensibles* find themselves, and at devising more inclusive forms of urbanity. They invited a number of international firms and initiatives to present a vision based on their own practice.

Swop Network's contribution, 'Give Away in Circulation', challenges the notion of intellectual property, while artist Oliver Ressler gives a special presentation of his project *Alternative Economics, Alternative Societies*.

**Jorinde Seijdel** is an independent writer, editor and lecturer on subjects concerning art and media in our changing society and the public sphere. She is editor-in-chief of *Open! Platform for Art, Culture & the Public Domain* (formerly known as *Open. Cahier on Art & the Public Domain*). In 2010 she published *De waarde van de amateur* [The Value of the Amateur] (Fonds BKVB, Amsterdam), about the rise of the amateur in digital culture and the notion of amateurism in contemporary art and culture. Currently, she is theory tutor at the Gerrit Rietveld Academie and Head of the Studium Generale Rietveld Academie in Amsterdam. With Open!, she is a partner of the Dutch Art Institute MA Art Praxis in Arnhem.

## Tags

Activism, Capitalism, Commons, Public Domain, Media Society

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