Technologies of the Common: Toward an Ethics of Collaborative Constitution

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The arrival and generalization of social software - often subsumed under the misnomer Web 2.0, conveniently (and in true new economy manner) obscuring decades of social innovation - was greeted with a wave of economic enthusiasm (new markets), as well as a corresponding sense of political possibility regarding remedies to the 'democracy deficit' of institutions of governance (e-democracy, e-inclusion, m2m/p2p as new model for public sphere communication). In the following, I will insist on a more comprehensive sense of social technologies as 'technologies of the common' that take seriously the return of political ontology and its engagement of the question of political constitution. Situated between social technologies and techniques of governance, 'technologies of the common' serves here as a heuristic device to explore differences and similarities of related processes of social constitution, and identify their relevance to the articulation of alternative modalities of governance.[i]

Europe/Culture/Economy as *Mots d'Ordre* in an Emergent Policy Regime

In a move that illustrates the accelerating integration of culture into the creation of economic value, the EU has identified the "economy of culture" as a policy priority. The report „The Economy of Culture in Europe" commissioned by the EC in 2006 has initiated the political revaluation of the so-called Creative Industries (CI) across Europe. Following a 2007 decision by the European cultural ministers to establish the Creative Industries as a major topic of the German EU-Presidency, a conference on "Cultural and Creative Industries in Europe" was held in in May 2007.

Its conclusion, submitted to the Council of the European Union, relates this priority to the 2005 relaunch of the Lisbon Agenda (creation of growth and employment) and generally affirms the capacity of the cultural and creative sectors to serve as 'engines' of (sustainable) growth, employment, and innovation. In its Communication "A European agenda for culture in a globalising world", the European Commission defines a cultural strategy for its institutions, its members states, as well as the cultural and creative sectors in terms of three priorities: the promotion of a) cultural diversity and intercultural dialogue, b) culture as a catalyts for creativity in the framework of the Lisbon strategy, and c) culture as a vital instrument in the EU's international relations.[ii]

While the optimism of these policy initiatives is not yet compromised by sobering analysis of the sustainability of an economy of culture defined in these terms, what is important to me here is that these documents describe an *emergent* policy regime. Despite the invocation of the Lisbon strategy and the generally assuring tone that establish the cultural and creative sectors at the centre of related policy formulations, many of the elements of this framework have yet to be definitively elaborated and therefore remain open to contestation and reappropriation.

From Civil Society to Technologies of the Common

The controversial UN World Summit on the Information Society (WSIS) 2003-5 was evidence of the extent to which the elements of this policy regime remain contested, especially the question of how different (mutually exclusive) concepts of creativity and innovation are to be institutionally articulated that were central to the Campaign for Communication Rights, as well as subsequent organizing efforts around an Access to Knowlegde Treaty (UN), a Development Mandate for the World Intellectual Property Organization (WIPO), or the adoption of an Open Document Format (ODF) by the International Standards Organization (ISO).

CRIS was a key 'civil society' dynamic that struggled to mediate between the intergovernmental logic of the summit and the non-governmental logic of social movements efforts outside the scope of civil society. I mention the campaign here to insist that we include 'civil society' in the list of *mots d'ordre* whose effectivity in the emergent policy regime should be explored rather than assumed as an *a priori* in our approaches to the (organizational) dynamic of non-governmentality and its (constitutive) effects.

The 'inclusion' of 'civil society' has been a central element of post-sovereign paradigms of diplomacy and governance (exemplified by the ambitious strategy of multistakeholderism of the WSIS, whose development involved members of CRIS) and indeed the main mechanism of democratization (to increase, for example, the accountability and transparency of intergovernmental institutions and processes). Yet the assumption that 'civil society' serves as primary vehicle of democratization fails to acknowledge the extent to which this capacity has been called into question by critiques of the idiom of representation and the subsequent attention to processes of (social) constitution that create the agency/subjectivity such invocations of civil society (must) take for granted.[iii]

Instead, I want to introduce the notion of 'technologies of the common' to approach the modalities of collective refusal-defection-withdrawal that constitute a terrain of democracy outside the conceptual and organizational idiom of representation.[iv] Conventional wisdom (canonical statement: Olson, *The Logic of Collective Action*) used to hold that diffuse interests are not represented because the costs to individuals of organising in large groups are not matched by the small gains for each individual. With the arrival of social software (Web 2.0), the cost of organizing (understood in the sense of interest aggregation) theoretically tends toward zero, and the explosion of sites bases on 'friendship' (i.e. a logic of affect rather than representation) does seem to suggest that one of the main effects of social software is an increase in the (collective) capacity for self-organization. It does not come as a surprise that these applications have been greeted with both commercial enthusiasm (new markets) and democracy-theoretical relief (democracy deficit).

They rise of such autonomous (if only in the sense of self-refential rather than overlapping) 'new publics', however, does not signal the possibility of a return to a homogenous, integrated public sphere and corresponding models of political communication, but simply make visible a fragmentation of the public sphere beyond representational remedies. What is at stake is therefore not (nonly) a greater efficiency and effectivity of the technologies of representation, but the rise of non-representational means

that affect the production of subjectivity. In its most basic sense, this means that media are not primarily considered in representational terms but in terms of a constitutive role that suggests different modalities of government incommensurable with (and indeed invisible from within) the idiom of representation.

In his analysis of *The Revolutions of Capitalism*, Lazzarato invokes Bakhtin to contend that "[t]he relation between self and other must be understood neither as a relation between a subject and an object nor as a relation between subjects, but rather as an event-like relation between 'possible worlds'" since "[t]he other is neither an object nor a subject; it is the expression of possible worlds" (2007: 102). To reconceptualize the relations between the living, resistance, and power on the basis of such an event-like relation between self and other rather than an ontology of the subject, Lazzarato turns to the 'techniques of government' initially introduced by Foucault as element of a comprehensive definition of power.[v]

What intrigues Lazzarato about Foucault's definition of power is the latter's sense that power is primarily to be understood in terms of the capacity to control - constitute and define - the ways in which others may conduct themselves. Foucault surveys the constitutive elements of such a capacity often subsumed under a single definition: strategic relations, techniques of government, and relations of domination. Strategic relations are the means - "infinitesimal, mobile, reversible, and unstable power games" (ibid. 103) - of modifying asymmetrical power relations in an ongoing process; relations of domination arrest such a process, crystallyzing (here: arresting) the freedom, fluidity, and reversibility of strategic relations by inscribing them within specific institutional forms (such as the trade union, the party, or state institutions).

Technologies or techniques of government are situated in an intermediate region between these two dynamics. Defined as ensemble of practices for the government of relation - to the self as well as others - , these technologies decide whether or not strategic relations remain open to the experimentation of subjectivations that escape states of domination (ibid. 104). "Political action", Lazzarto concludes, "must therefore concentrate on techniques of government" (ibid.), and stress the creation of new techniques to govern strategic relations.

It is the invention of new rules that "increase the liberty, mobility, and reversibility of power games" that lies at the heart of political action. Constructed collectively and cutting "across strategic relations and states of domination transversally" (ibid.), these rules are the preconditions - the conditions of possibility - of resistance, creation, and the experimentation of relationships. They offer relations "a reversibility assured not by the transcendence of the law and of right, or by categorical statements on equality, but by the action of mobile and nomadic institutions such as coordinations" and create a space "'between' the microphysics of power and the institutions of domination [that] is propitious for a politics of becoming and creation, for the invention of new forms of subjectivation" (105). This discussion leads us to an insistence on the primacy of protocols governing the modalities of social constitution - and establishes the conflictual process of their creation and recreation as a conflictual dynamic at the heart of the network society.

Castellsian network theory has very little to say on how the protocols that govern the network society, structure (cultural, economic, political) processes across the space of flows, and facilitate the transformation of the network state are defined. In his engagement with Castells, Felix Stalder has emphasized the work of Peter Drahos as exemplary in illustrating the extent to which the definition of such protocols (and the new governance regimes they define, enable, and sustain) can, after all, be mapped. Despite his interest in the rise of the network state (and save a passing references to the fact that networks are *programmed* by actors and institutions), Castells does not explore new governance regimes organized around the World Trade Organization (WTO) or the World Intellectual Property Organization (WIPO), and says little about the cross-sectoral (education, medicine, software, etc.) struggles for access and against proprietarization that are have arguably become a signature dynamic of conflict across network societies.[vi]

Yet Lazzarato makes clear that resistance to proprietarization is only one register of developing alternative techniques of government. For him, a new type of political event (already) occurred in Seattle, an event that illustrated the extent to which 'media' and its creative usage by a multiplicity of collective actors pointed beyond the idiom of representation (2003). These organizing efforts, triggered (but not limited to) by the resistance to proprietarization, illustrated and involved a reaffirmation of the capacity for collaborative constitution, hence a sense of expression in a sense much wider than those employed by cyperlibertarian critiques of corporate media control and a corresponding limitation of the freedom of expression to the freedom of speech. Lazzarato offers a much wider sense of expression, which inspires the reformulation of techniques of government as technologies of the common - the techniques of self-organization that are involved in processes of collaborative constitution.

Ethics beyond a Logic of Scarcity

Returning to the current conjunction of culture/economy from within the perspective sketched here, I want to suggest that the assumption of a fundamental (in)commensurability of these two domains - a commensurability which would then enable their integration in the name of growth and innovation, an incommensurability which would legitimate the invocation pfof cultural autonomy as main strategy of resistance - is what should be explored.

While the tension between anthropological and commercial conceptions of culture (familiar since the work on the culture industries by members of the Frankfurt Institute of Social Research) is a well-established topic of inquiry in cultural criticism, the rise of the idiom of creative industries as core dynamic of an economy of culture has intensified the debate over how this tension should be (conceptually) articulated and (politically) addressed.

Organized opposition to the integration of culture into the economy, Lazzarato notes in his own reflections on the contemporary transformation of culture/creativity, often (and especially in France) follows a strategy of cultural exceptionalism. Yet instead of invoking the self-evidence of a (European) principle of cultural autonomy to substantiate and sustain the difference between culture and economy, he insists (with Tarde) that "the modes of production, socialisation and appropriation of knowledge and of culture are

different than the modes of production, socialisation and appropriation of wealth" (2004).

Rather than reaffirming the autonomy of the cultura vis-a-vis the economic, strategies of resistance should acknowledge that the modes of production and socialisation peculiar to culture have come to determine the economy, a strategy that inevitably calls into question the (current) principles of political economy as it highlights their inability to comprehend the nature of the cultural object - or must transform them to subsume them under the logic of scarcity, hence the establishment of comprehensive intellectual property regimes to achieve *artificial* scarcity by way of the introduction of false origins (Digital Rights Management/DRM etc.). Because the principles at the core of regimes of intellectual property rights suggests that it is the anticipation of commercial returns that is considered the source of creativity (see WIPO), the proprietarization of information and knowledges is considered a core strategy of innovation. And if human rights are expected to contain/repair the excesses of the market economy, the demand (current example: EU vs China) to protect both human rights *and* IPR suggests that these are twin sides of a single currency in the expanding economy of culture.

Yet this is, then, one of the paradoxes of the information society: it is structured according to principles of governance that fail to acknowledge the nature of the very objects (knowledges) whose centrality is considered constitutive for its emergence. And because cultural objects do not have to become objects of exchange to be communicated (their usage is based on social communication rather than definitive alienation or destructive consumption, defying the logic of a political economy rooted in a dichotomous view of the relation between use and exchange), the evaluation of gains and losses calls for an ethics rather than markets (ibid.). Such an ethics does not (only) call into question processes of commodification, but argues that the economic significance of the cultural and creative sectors cannot even be apprehended from political economy as we know it. A comprehensive sense of how collaborative creation and constitution occur necessarily, in this view, opens itself to a different economic logic as well as a dynamic of constitution beyond the idiom of rights and representation.

If we can no longer take the democratic (economic) subject for granted, how do we reflect on the production of agency/subjectivity in the network society more generally - and at which point does such an exploration become a matter of ethical practice? To subordinate the cultural to the economic necessitates the imposition of the logic of scarcity. Resistance to this imposition cannot, Lazzarato argues, simply insist on a tradition of cultural autonomy that in fact reaffirms the essential difference of these domains; instead, "perhaps for the first time in humanity's history, artistic, intellectual and economic labour, on one hand, and the consumption of goods and appropriation of knowledge and beauty-values, on the other, demand to be regulated by the same ethics" (ibid.). The question of ethics, then, cannot be raised as an afterthought, but bears a constitutive relation to the analysis of the culture/economy nexus, as it is directly related to the relational, inexhaustible nature of the cultural object. It remains to be see whether an ethical engagement of this relationality will yield 'better' (equal, just, sustainable etc.) modalities of governance, or simply signal an ungovernability that is in fact constutive of the dynamic we, perhaps too quickly, have come to subsume under 'culture/creativity'.

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ii   All policy documents are available online at <http://www.european-creative-industries.eu>.

iii See Soenke Zehle, "The Campaign for Communication Rights: After the World Summit on the Information Society", *Non-Governmental Politics*, ed. Michel Feher, New York: Zone Books, 2007, 391-98. On Access-to-Knowledge (A2K), Paris Accords, WIPO Development, Open Document Format, see <http://www.cptech.org/a2k>.

iv   See Soenke Zehle, "Technologies du Commun", *Vacarme* 34 (Hiver 2006), 91-94. The notion of 'technologies of the common' emerged in the context of another collabotrative research process in 2004, including Arianna Bové, Erik Empson, Susanne Lang, Geert Lovink, Florian Schneider, and Soenke Zehle: "The new technologies of the common are not universal hierarchies of political right but small scale and intimate practices of constitution. The new involves those who see the limitations of individual social practices of self-realisation and desire to turn them into general and transferable social technologies of emancipation" <http://neuro.kein.org>. Bové has since elaborated this term as well, stressing the interpretation of exodus-defection-withdraw as (social) innovation. See her "Technologies of the Common" in *A critical ontology of the present: Foucault and the task of our times* (Dissertation 2007), available at <http://www.generation-online.org/other/acop/acopcontents.htm>.

v   Michel Foucault, "Deux essais sur le sujet et le pouvoir", *Dits et Écrits*, vol. II (Paris: Gallimard, 2001); transl. as "The Subject and Power", *Critical Inquiry*, Vol. 8, No. 4 (Summer, 1982), pp. 777-795.

vi   Felix Stalder, *Manuel Castells: The Theory of the Network Society*, London: Polity Press, 2006.