
Public information as a Commons: the case of ERT and the peer-to-peer prospect

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Abstract: This paper deals with a new understanding of the public character of information, based on the alternative modes of property that came to the fore with the advent of Commons-based peer production and the information Commons. The case of the ERT digital archive is used to highlight the tension between the traditional understanding of state/public property and a new realisation inaugurated by Commons-based peer production. Our objections to its current form are presented and the possibilities offered by peer alternatives are discussed. We conclude that, especially after recent developments in the case, state adoption of policies that conform to this new mode of production are imperative for the use, sharing and protection of public information.

Keywords: information Commons; open source; public property; Commons-based peer production.

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1 Introduction

ERT¹ (Elliniki Radiofonia kai Tileorasi) was the Greek state television and radio network. It was a private legal entity with the form of a limited company, as a constituent of the public sector, funded through a mandatory tax implemented into the bill of the Public Electricity Enterprise (DEI). In December 2007, the launch of the effort to digitise the old ERT archives was announced, which first delivered results a few months later in 2008.² Although initially this endeavour was considered as an important step for the

public availability of unique cultural wealth, the decision to be distributed in that specific way was met with the opposition of several internet communities and civilians.

According to the protesters, behind this initiative lied an ‘innocent fraud’: the digital archive remains in the exclusive ownership of ERT. Patented file types and video, text and picture formats were selected to implement the digitisation. Furthermore, in the event of the privatisation of ERT, this national cultural aggregation, created and funded by the Greek citizens, might revert to private ownership.

We feel that the ERT case is worthy of discussion as it clearly indicates the traditional concept for state ownership of public goods: the state manages a resource on behalf of the civilians over which they have no authority. This might have appeared logical in older times, but in a network- and information-based society where new collective forms of peer property have been made possible, the digitisation of the archive in such a way appears retrograde. This entails the danger of such public goods being lost entirely in times of economic recession when not given to the civilians, as is the case with the ERT archive after the subsequent closure of ERT in June 2013, but also demonstrated by the draft law filled in the Greek parliament for the abolition of the Organisation for the Greek cadastral and mapping (OKXE) and its replacement by a private company. Using a peer-to-peer approach on information ownership, this paper attempts to demonstrate that peer property not only increases the value of public information, but could also boost social creativity and innovation.

We begin with a brief presentation of Commons-based peer production, governance and property followed by the concept of abundance and its importance in peer projects. We then present the case of the ERT archive as a Commons and conclude with a general comment on the information Commons and how the states’ view on the matter should transform.

2 The emergence of Commons-based peer production, governance and property

Much have been written in the past two decades about the network society. Researchers, like Webster (2002) or Kumar (1995), claim that the idea behind network society is of no validity since no radical change has come to the structure of industrial societies. They claim that the developments in the information field that we are experiencing are consistent with previous socio-economic arrangements and constraints (Schiller, 1981, 1984, 1996, 1999; Webster, 2002). “The imperatives of profit, power and control seem as predominant now as they have ever been in the history of capitalist industrialism” says Kumar (1995, p.154). Additionally, Berry (2008) is also sceptical, arguing that by emphasising on the organisational and productive structure of the network society we fail to notice how it is absorbed into mainstream industrial production no matter how much wealth is spawned of it.

At the other end of the spectrum, those that criticise the aforementioned scholars claim (Castells, 2000, 2003; Benkler, 2006; Bauwens, 2005; Perez, 2002; Kostakis, 2012, 2013) that an increasing number of individuals today is capable of organising the political, social and productive aspects of their life through various interconnected networks that came to the fore with Information and Communication Technologies (ICTs). Those forces lead to a social paradigm based on open, permission-less cooperation fuelled by the vast availability and affordability of ICT (Benkler, 2006;

Bauwens, 2005; Perez, 2002). So, we are experiencing a transition from the traditional industrial economic structures to networked-based ones, spearheaded by information production (Castells, 2000, 2003).

From this new communicational framework rises a novel mode of social production, radically different from the predominant industrial one, the Commons-based peer production (Benkler, 2006). Indicative of Commons-based Peer information (CBPP) production is the Free and Open-Source Software (FOSS) projects and the free encyclopaedia Wikipedia, where individuals collaborate for the achievement of a certain common goal. In that sense, CBPP is considered a new model of production, made possible through internet-based coordination. Decisions and actions outflow from the free cooperation of communities that partake to the creation of common value without the driving motive of financial gain (Bauwens, 2005; Orsi, 2009).

According to Bauwens (2005, 2009), CBPP is based on different processes than firms and markets. Specifically, CBPP is opposed to the corporeal chain of command, adopting consensus, joint validation of decisions and meritocracy as its main principles (Benkler, 2006; Bauwens, 2005; Weber, 2004). In addition, instead of the traditional division of labour, in CBPP participation is possible to any extent and in every stage of production by anyone, since the productive processes are modular, similar to the process of assembling a puzzle or building structures with Lego bricks. Lastly, CBPP refrains from the artificial scarcity of information generated through strict licensing copyrights or patents that maximise financial gain and instead utilises information's natural abundance, since the sharing of information does not diminish its value but instead increases it (Bauwens, 2005; Benkler, 2006).

It is, therefore, becoming apparent that what sets CBPP apart from the traditional industrial mode of production are its governance and organising mechanisms (meritocracy with governance mechanisms based on consensus) and its community property regime. In other words, CBPP is interrelated not only with new bottom-up forms of governance, described as 'peer governance', but also with new novel forms of property called 'peer property'. These three new processes and practices (peer production, governance and property) create a new political economy in which efficiency and competition cease to be dominant values (Moore and Karatzogianni, 2009) and civil society is uplifted bringing forth a cooperative spirit to the heart of society (Orsi, 2009).

3 Abundance and peer property

Abundance of resources ensures viability in CBPP, which is the case for information, since its marginal cost of reproduction is almost zero, contrary to the mainstream belief over copyright. Intellectual property (IP) with the form of strict copyright licences or patents attempt to induce artificial scarcity for profit (Kostakis, 2012). Supporters of strict copyrights claim that the latter offer the necessary motives, meaning motive for financial gain, for the production of information and innovation. However, more and more scholars, lately, object to this belief (Lessig, 2004; Boldrin and Levine, 2007; Patry, 2009) arguing that copyrights in their current form are a means that, instead of protecting, obstruct the flow of information, creating monopolistic conditions and potentially hindering freedom of expression, innovation and culture. Boldrin and Levine (2007) demonstrate through theory and cases that IP is unnecessary for innovation, while McLeod (2007) offers an account of examples where IP laws cripple creativity, by way

of privatising expression, arguing that the unrestrained acceptance of enclosure is against the human right of free expression and common resources. In addition, Patry (2009), through economic data and socio-economic theories, joins the copyright debate, presenting the obstruction this monopoly control constitutes for discourse, arts and innovation, and promotes innovation through a copyright law reformation.

New institutionalised ways of sharing value are invented by the unobstructed cooperation between the internet communities, such as the Creative Commons, the General Public Licences or the Berkeley Software Distribution (BSD) licences. These forms of property allow the social reproduction of peer projects, being more participatory and collaborative than state and private property. Contrary to state property, peer property allows civilians to manage a resource themselves, not the state on their behalf. Furthermore, it is fundamentally different from private property where an individual (either a natural or a legal entity) precludes the sharing of a resource. In peer property, civilians manage directly and autonomously each resource at their disposal.

The peer projects flourish in a state of abundance that enables new types of governance as a result of the combination of means of labour (for example, the ICT) and human, mainly mental, labour power, while new relations of productions rise. So, if CBPP entails the production of information within online, collaborative communities that produce common value using mechanisms of self-governance, then peer governance is the way that CBPP is organised (Kostakis, 2012).

4 The ERT archive and the premise of the Commons

4.1 The information Commons

Commons is an old concept being reborn today through CBPP. On the one hand, air, earth, water or the sky are Commons created by nature, not by man. These physical Commons are finite yet capitalism treats them as if they are in abundance. On the other hand, language, science or folk art and culture, like the ERT archive, are human creations that fall into the realm of Commons and are actually in abundance. Therefore, individuals can acquire them either as end-users or use them as tools to produce something new. In the end, what is created by CBPP, subjugated by peer governance mechanisms and distributed through legal tools of peer property, is the information Commons.

Information Commons consists of goods produced by a community and its distribution to the public sphere is defined by rules the community has set itself. The term ‘information Commons’ expresses deep, meaningful similarities between all those forms of peer cooperation and helps point out the social dynamics, making them a force to be reckoned with in modern economy. In contrast to the physical Commons, which is not abundant and its abuse leads to the ‘tragedy of the Commons’ (Hardin, 1968), making the limitation and control of its use a necessity, such problems are not an issue on information Commons where the use of an extra ‘unit’ of information does not exclude its use from others.

Today, the information Commons sphere incorporates the world of sciences, software and education and extends to music, literature, design and photography. Information Commons, viewed not only as a separate sector of economic growth but also as an evolution to human relations, antagonises and complements markets and the state through

social cooperation, self-determination and self-organisation. In a sense, the Commons sphere is a renewed expression of ‘civil society’, though with different capabilities (Bollier, 2009). These capabilities, despite quite a few disadvantages that need to be dealt with through constant experimentation, are arguably able to surpass states and markets, redefining the roles of every major economic player.

Peer projects began with FOSS, but have now spread to virtually every part of human expression and enterprise. In some fields, like the information economy where information is the medium, resource and end product, peer projects have reached quite a mature level. So mature that peers are aware of their role in the historical development and strive for the achievement of specific political goals, beyond those of the respective peer project they are involved with. Such is the case with the archive of ERT where civilians and peer communities protested the digitisation and distribution of the archive through the peer alternative. This case indicates the perception of joint-ownership and collective public property from the administrators of state property and can serve as a cause for the dissemination of the peer approach to public property, considering it as an information Commons.

4.2 The ERT archive as an information Commons

This paper views the ERT archive as an information Commons, created by generations of Greek citizens through public funding or their creative contribution. This claim is the basis for the argument that the current digitisation of the archive reflects the form of state/public property in modern capitalism. The archive created by and for the Greek citizens and digitised with funds by European taxpayers should be distributed freely to everyone through the internet.

Our critique consists of two lines of argument. First, the archive remains the exclusive property of ERT. Or rather was exclusive property of ERT. Following recent events, as a consequence of the Greek economic crisis, ERT has been dispersed. At the time of this writing, August 2013, the website of ERT and that of its archive are shut down, with no official declaration as to what is to ensue, except for the expected establishment of a new broadcast station. Former employees of ERT have occupied its central building and facilities and continue to broadcast online promoting their struggle for free-state television, while guarding the physical archive at the basement of the facility. Thus, the fate of the digital archive remains unknown leaving this national cultural aggregation, at the mercy of private interests. Already during the summer absence of a public Greek network, private stations broadcasted parts of the archive. In the same context, the abolition of the OKXE, which provides geo-spatial data freely to citizens, and its replacement by a private company is being promoted by the Greek government. It becomes evident that in turbulent times the exploitation of the Commons, as part of ‘shock doctrine’ policies (see Klein, 2008), takes place (Kostakis and Stavroulakis, 2013). These recent developments highlight our focus on the established concept of state ownership of public goods of which civilians have no control over.

Even before the closedown of the platform, the possibility to download content was not provided, and in any use of the material, as was noted “ERT is obliged to engage in legal proceedings against natural or legal persons using material without prior permission”.³ Meaning that if anyone shares content of the archive or uses it to create a video or photo-montage, an offence will have been committed concerning the protection

of intellectual property. Therefore, an information Commons, part of public property and cultural heritage, is restricted and managed by bureaucracy. In the name of mutual ownership, this property is expropriated from the collective and becomes detached from the civilian. More often than not, through bureaucratic opacity such ‘fencing’ practices can become means of redistributing social wealth for the benefit of firms and other private interests.

The nature of the archive allows its reproduction in almost zero cost and its distribution through the internet. The decision not to make it available in the form of peer property introduces an artificial restriction to a cultural treasure that could be allocated equally to all members of society and be a positive ‘externality’ for individuals and companies active in the fields of information, knowledge, science and culture. Distribution of the archive with public copyright licences can provide the possibility for downloading, copying, altering, re-presenting and redistributing content without being subjected to bureaucratic procedures. The products of such creativity, depending on the selected licence, will be available freely on condition that they in turn will not be restricted property of anyone, but will be subjected to the same legal regime of free use. This way, social innovation and collective creativity will be intensified, exactly like successful peer projects.

Peer-to-peer distribution of the archive can better ensure its public nature since in case of the, now possible, privatisation of ERT it remains inevitably public (assuming that many parts of the archive will have already been downloaded by civilians, creating an irreversible situation in favour of its public character). At a time when widespread concerns emerge about the use of public property, its protection, depreciation and sale to individuals, the peer perspective is an alternative for guaranteed protection and efficient economic exploitation. In addition, conditions for the dissemination and promotion of Greek culture throughout the world are being created. Thus, emerging multiple secondary economic benefits to all sectors of the economy tourism, artistic and intellectual production being the most prominent.

The second line of argument involves the choice of technology concerning the digitisation and distribution of the archive. As mentioned in the introduction, patented file types and formats for video, text and picture are used, like JPEG, TIFF, PDF, RAWDV and DVCPRO encoding, instead of using their respective Commons-based applications and formats “that would minimise costs already spent but with better utilisation of storage space and providing the user the option of editing the material for personal or commercial use with a documented reference to the rights authors”⁴ (Stavroulakis, 2012). The current format of the archive, however, based on restrictive digitisation standards, makes an information Commons dependent on private interests with everything that might entail.

Following the demand for the conversion of the archive to FOSS, efforts are made to raise awareness for the complete overhaul of government software network, in an attempt to increase efficiency and reduce costs, which seems imperative at times of economic recession. Furthermore, in the spirit of free information sharing and attempting to cover the inability of the government to provide reliable information on various issues, peer projects have appeared fuelled by the desire of citizens to communicate and exchange information. Such a project is the Tilafos⁵ data-blog, which is an extensive database concerning burned forests throughout the country and reforestation efforts. Although it is now discontinued owing to technical issues, it remains online containing a great amount of information free to anyone. Another endeavour is the MuA project,⁶

an interactive database providing information for monuments and cultural landscapes at risk. Both platforms allowed users not only to utilise the information provided, but also input their own, creating an interactive environment where information flows freely without bureaucratic restraint and licence limitations, thus forming a genuine information Commons.

Undoubtedly releasing such a huge volume of information under open licences is no easy task. The copyright status of each piece of information needs to be cleared, which is difficult but not impossible. No official reply has ever been given as to why the archive retains such a legal status by government officials. This further indicates the immobility and unwillingness of the state to conform to new ways of managing public goods offered by advances in technology. We argue that digitising the archive in Commons-based formats and releasing it under open licences the Greek state ensures the survival of its nations' information Commons by entrusting it to the nation itself. The importance of that is further accentuated in periods of economic recession not only because it constitutes a safeguard of the Commons but also it mitigates costs (a condition the Greek government desperately tries to achieve by, mainly, abolishing institutions), as such solutions do not adhere to the financial seeking of private interests, evident both in the case of the archive and the OKXE.

5 Conclusion

This paper, maintaining that peer processes inaugurate a new production model based on the values of openness, cooperation and collective creation, tried to demonstrate the advantages of a Commons-based peer approach to the management of public information. The distribution of information Commons, such as the ERT archive, with public copyright licences not only increases social creation and innovation liberating a priceless cultural heritage but also creates the necessary protective measures against the dangers of limiting or restricting entirely such Commons from their rightful owners (as is the case with the archive) by allowing each individual to hold in his or her possession whichever part of it they desire. In other words, information is trusted on civilians to use and share at will without the need of an administrator. We aspire that the case of ERT will give rise to the revision of retrograde policies and attitudes that will further enhance the (co-)creation of a common cultural wealth, while promoting the discussion about the possibilities of peer alternatives with critical thinking, on the one hand, and predisposition for experimentation, on the other. The state should, in our view, assist in such an endeavour of protecting the sphere of Commons by promoting and supporting collaborative production models.

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Notes

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²Digital archive platform website: <http://www.ert-archives.gr/V3/public/main/index.aspx> (Accessed 20 March, 2013, Not available as of June, 2013).

³Translated by the author.

⁴Translated by the author.

⁵<http://tilaphos.blogspot.gr/> (Accessed 27 September, 2013).

⁶<http://www.mua.gr/site/index/?lang=en> (Accessed 27 September, 2013).