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The Open Data Movement in the Age of Big Data Capitalism

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The Open Data Movement in the Age of Big Data Capitalism

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Abstract: The digital world has transformed the conditions for discussing freedom within liberalism. Private property more obviously clashes with the freedom of speech (the public sphere), when the costs of mediated and reproduced art, journalism, information and literature nears zero and the exchange of these takes fluid forms, similar to social communication. The concept of “open”, similar but still opposite to “free”, has taken on an accentuated ideological importance in this context, but so have also alternative visions of intellectual commons. This article contains a case study of Open Knowledge Network’s perspective on openness’ relation to private property and capitalism in the informational field. It does so *first* through an analysis of the network’s understanding of the copyleft principle, and *second* through an analysis of the organisation’s view on open business models. A theoretical reading of classical political perspectives on the concept of freedom supports the analysis. One result is the identification of a central ideological lacuna in absent discussions of unconditionally opened-up resources that strengthen the accumulation cycle of capital. This logic favours the negative freedom of closed business models in the competition with open ones that could foster more positive notions of freedom, although open business models are generally advocated and commons are mentioned as desirable. In a dominant ideological formation, openness is used to promote its opposite in the economic field.

Keywords: Open data, open knowledge, Open Knowledge Network, ideology, free, freedom, open, openness, commons, copyleft, permissive software licenses, liberalism, Marxism, republicanism

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1. Introduction

The digital world has transformed the conditions for discussing freedom within liberal ideology. Private property clashes in more obvious ways with the freedom of speech when art, journalism, information and literature are mediated by digital networks in which the costs for reproduction nears zero and where the exchange of them takes more fluid forms, similar to social communication. In this context, the property right becomes more of an obstacle against the backdrop of contemporary ICTs.

Notions of openness have in contrast to closed, private property become increasingly present in contemporary political debates. Openness has been called the new political master category (Tkacz 2012, 387). Still, it is not clear what this “open” stands for. Open content on social media has captured not only the *imagination* of



millions, but also people's personal information. Social media users are attracted by services that offer content openly, only in order to harvest and enclose the data on the aggregated level—data that has been generated by the users' activities. In a subsequent step, social media corporations turn these enclosed digital traces of people's daily lives into commodities that are sold to third-party advertisers. At the same time, ideas of E-government are focusing on opening up governments' data. Opened-up datasets from the state often, in a later step, result in commercially derived but enclosed services (Kitchin 2014). The open data has increasingly been mentioned as the new oil for capitalist society (Sundin 2017).

Thus “open” is linked to enclosures of different sorts. The openness and enclosure can be expressed differently on the data, content and algorithmic level, but also between different social actors. Interestingly, and maybe obviously, the opening up of data within E-government does not seem to correspond with an opening up of the datasets harvested by social media corporations. The general idea seems to be that the state together with its citizens should provide open and gratuitous data for the companies, whereas the companies do not have the same responsibility. At the same time, ideas of open business models are floating around in the discourse between advocates of openness (GovLab 2017; Open Data Institute, 2017).

When it comes to companies, openness could be about transparency and accountability, and demand that companies should be open about labour policies and environmental impact, but it could also be about finding these new forms of business models that could either be understood as fully open, or trying to combine some openness with perhaps some enclosures on either the data level, content level or software/algorithmic level. In practice, it usually is either, 1) open service content in exchange for user data (signed over by contracts of terms of use) to enclose and commodify for ad-targeting with the help of enclosed algorithms, or 2) open data, open content and open/free software (all information openly shared), but with economic value being extracted from wage labour in so called value added services on top of the open/free data, content and software (for example giving support in setting up and administrating free software systems and so on).

This study takes a look at how the open data or open knowledge movement, understood as in movements for open source, open access, open research, open data and open knowledge; how this movement describes the unfolding of these processes between openness and enclosure on the data, knowledge and algorithmic level, between the state, civic society, and companies. Understood in different ways, these configurations of openness and enclosure either lend its support to or work against a capitalism where closed business models have the upper hand. Therefore, the political mission and strategy of the open movement, its political quest for an open society, is of central interest.

The main aim has been to shed some tentative light on the ideological landscape of this contemporary movement for openness through a case study of how the NGO Open Knowledge Network (OKN), which developed the “open” definition and coined the term open data in 2005 (Richard), understands the relation between openness and the commodity producing capitalism's enclosures in the field of digital-



ly mediated data, information and knowledge. The overall research question of the case study is: How does the open data movement, exemplified by Open Knowledge Network, ideologically understand the political project of openness vis-à-vis capitalism? To answer this question, I will use more detailed research questions such as: How does OKN understand the relation of openness and freedom to the enclosures of private property? What is OKN's political strategy and vision in relation to open business models? In answering these questions, it will be possible to assess to what extent OKN, manifestly and latently, wants to open up the private property in the informational field, and if the advocated openness is supposed to vitalise capitalism with new business models or to challenge capitalism and go beyond it.

1.1 Outline of the study

After the introduction and the formulation of the study's aim and research question, the political category of "open" will be put in a conceptual and historic context. Its relation to freedom will be clarified, and the debate between advocates of free software and open source software in the 1980s and '90s will highlight the modern political use of the concept. In continuation of this, different political definitions of freedom will be discussed in the theoretical section. The case study of Open Knowledge Network is presented in the following methodology section together with the ideology analysis, and the qualitative and semi-structured interviews. Thereafter the empirical study follows, which is divided into two sections: one concerning OKN's relation to the copyleft license and the second relating to OKN's political understanding of open business models. The article ends with conclusions being drawn from the ideology analysis of the empirical material and some suggestions for future research.

1.2 Background

"Open" works as a political concept in many ways in contemporary society and it has a complicated relation to the concept of free. Wikimedia Foundation's dictionary Wiktionary defines open as not closed, accessible, and unimpeded. Free is according to the same source synonymous with open, and is defined as unconstrained (Wiktionary contributors, 2017; Wiktionary Contributors, 2017). The complications start, even when we address the concepts as understood within liberalism, when the concepts open and free are applied to social and societal phenomena. The concepts look at the same phenomena from two different angles.

Freedom in the liberal tradition means that someone, a social group, or another entity, is free from others' interferences to do whatever they want. Freedom is thus a formal right to action in a liberal tradition, an action that is protected from interference. This is also called a negative freedom.

Open means that someone, a social group, or another entity is not restraining the access and interferences from other entities. Open means being open to others' actions and giving them the freedom or right to interfere.



Synonymous and yet not at all, connected and yet completely different. Freedom is a qualitative right to act in the world, whereas an open entity allows other entities the right or freedom to act upon it. Someone or something that is open is open to others' freedom; something or someone is free as long as everything and everybody around them is open for their actions. The only limit to freedom is when something is not open for its expansion, for example another entity's freedom; someone's freedom is getting in the way of your freedom, someone else's freedom is the not-open or limit to your freedom. And on the flipside of it, your freedom is the not-open, closed entity, for other's freedom.

Freedom's anti-thesis to openness is both a hindrance and a protection (limit and enclosure), depending on the point of view.

The questions are several: Does an open entity imply that itself is void of proper political values and directions? How open can you be for everybody else's freedoms of action, if you still want to be free in your actions? How free can you be in your actions without impeding other people's action? Different ideologies often focus on one of these different questions, but they could also give different answers to the same questions.

Openness has during its recent political history been framed within a contradictory relation between an ideally open, transparent and accountable political sphere, and an economic sphere that mixes openness with different private property enclosures. Discourses on E-government often touches upon innovation, big data analytics, public service and its value production, democracy, state-citizen relationships, and development (Janssen, Charalabidis & Zuiderwijk 2012; Putri Nugroho, Zuiderwijk, Janssen & Martin de Jong 2015; Zuiderwijk, Helbig, Gil-Garcia, & Janssen 2014), whereas critical analysis has not kept pace with technical and commercial developments in which commercial actors capture, gather and repackage data into privately held data infrastructures for rent or re-sale on a for-profit basis (Kitchin 2014). But the political use of openness and its relation to the economy goes back in history.

Tkacz locates one starting point for the political use of openness in Popper's writings on the open society and its enemies, connecting it with Hayek's advocacy for a competitive market. I will here only shortly present Tkacz's interpretation of these liberal thinkers, and add traditional socialist critique to enrich our understanding of 'open' as a political category.

Popper criticises philosophies based on rigid, definite and unchallengeable truths; for him this basically translates into socialism and fascism in modern society (Popper 1966). According to Tkacz, Popper calls for a neutral and open place that hosts several political visions:

[T]he open society, is one where totalising knowledge is necessarily impossible. Openness is necessary because nobody can know for certain what the best course for society might be from the outset, and at the same time it is assumed that openness provides the best possible condi-



tions for producing knowledge and, therefore, making better decisions (Tkacz 2012, 389).

This meta-understanding of liberalism implies that the case against “totalising knowledge” is a case against one entity’s totalising freedom to act, but avoids discussing that different freedoms can be rivals with conflicts only being resolvable by “invoking judgements of the good on which reasonable people may differ” (Gray 2000, 69). In the latter case, the simplicity of the meta-understanding of liberalism resolves.

Tkacz asserts that Popper’s view on open politics connects to Friedrich Hayek’s doctrine that only competitive markets can foster the necessary decentralisation of decision-making in complex societies, where the way forward is beyond any one group’s knowledge (Tkacz 2012, 389-90). The openness in Hayek’s scheme is the market information signals of prices, but what is traded is enclosed in the private property (understood as a right and freedom) form of commodities produced within a class system of unevenly distributed means of production. The openness of the laissez-faire market can thus be questioned, by the limits and enclosures imposed by the freedom of private property. The simplicity of the laissez-faire market therefore also resolves.

Openness then in both Popper’s and Hayek’s thought contain a focus on negative or formal freedoms or rights of speech and private property with their respective contradictions. These internal contradictions within both political liberalism and economic liberalism are replicated in the relation between the two sectors: between a freedom of or right to speech that is effectively limited by the freedom of or right to property. Socialists have pointed out the lack of effective freedom of speech within capitalist class society since the 19th century (see section on theory).

Free Software Foundation (FSF) and Richard Stallman introduces in the 1980’s a political reading of openness with stronger links to positive notions of freedoms and rights. My interpretation here deviates from Tkacz’s. He stresses the free and open source debate’s continuity with Popper and Hayek (Tkacz 2012, 387-90), but I would like to stress the difference when it comes to FSF and its General Public License (GPL). The Free Software movement’s copyleft license opens up a private property (copyright) that increasingly was enclosing software in the beginning of the 1980’s. FSF and GPL point quite clearly at private property and commercial enclosures of software as an enemy to the open society and to the freedom of speech (Castells 2002, 25-6, 54-5). A partially opened up private property would according to the Free Software movement expand a levelled playing field in the software sector by granting and demanding that the freedoms or rights to access, reproduce, adapt and distribute the software are present in all derivative works (Stallman n.d.; Wikipedia contributors 2017a). Openness would thus be used to open up the freedom private property that obstructs the effective power to act according to advocates of positive notions of freedom.

Stallman blurs the lines between traditional liberal and socialist notions of freedom, and possibly opens up for a republican view centred on the commons (see



section on theory). He speaks of an opened-up private property as containing new freedoms or rights, the freedoms to run, study, change and redistribute software. These freedoms are perceived as rights. These rights are vital for society, because they “promote social solidarity...sharing and cooperation”. The copyleft license that he developed stresses the reciprocity of openness in a logic similar to the gift economy (Stallman n.d.). I would argue that Stallman here breaks with classical liberalism but at the same time conceptualises the break in a liberal terminology. Stallman uses liberalism against liberalism. The right of property is partially opened up in the name of other freedoms or rights that connects to freedom of speech, and is then used against appropriations against private property in a way that expands social practices of doing in common, commoning beyond the state and the market (De Angelis, 2017).

This perspective stands in some contrast to Open Source Initiative’s more classical liberal understanding of open data and information as open for subsequent commercial enclosures in the form of private property. The many open source licenses are so called permissive software licenses. This meaning that they have “minimal requirements about how the software can be redistributed” (Wikipedia contributors, 2017c).

The two standpoints have two quite different perspectives on the concepts open and free as well as on the relation between openness and enclosed private property. The tension between the two play a central role in OKN’s open definition (Open Knowledge International n.d.).

To recapitulate: the copyleft license stresses two things: 1) that a part of the enclosed private property right should be kept in order to enforce that the same openness in relation to the private property right are maintained in all derivative works, and that, 2) this openness consists of and are empowered by other freedoms connected to the freedom of speech, e.g. the freedom to access, reproduce, adapt and distribute the licensed software or intellectual work. The permissive licenses favoured by the Open Source Initiative state the same freedoms, but stress that the openness must allow for the private property right to be acted upon in subsequent commercial enclosures if such are wished for.

One important political question is if both the copyleft license and the more permissive licenses lay a legal foundation for commons and commons-based collaborations. This comes down to what vision of commons that is applied. De Angelis has criticised that commons are often understood as common goods, forgetting the social relations that are built around the commons as social systems, and the relations between the commons and other systems that are surrounding it, as the state and capitalism (De Angelis 2017, 32-4). “The nature and effective transformational force of these endogenous and exogenous processes is key to understanding, and they problematise the development of commons systems as a social force that is transformative of the real (De Angelis 2017, 33).

Open source advocates, according to Stallman, hardly mentions the social implications of the new freedoms related to software that both FSF and OSI favour. They look more to the practical benefits of openness for software development methodology in general, including the interoperability with enclosed source code, and



therefore do not stress the reciprocity of openness, according to him (Stallman n.d.). The focus is in their case placed on the technological functionality of the source code rather than on the social practices of coding in common. Open source advocates thus, if Stallman is right, focus on common goods rather than on the expansion of the doing in common or commoning. This focus of the permissive open source licenses allows capitalist actors to improve enclosed business models with the licensed and opened up material, and latently supports practices of individual economic maximising.

Free software, according to Stallman, instead focus on the sharing and cooperation as social practices (Stallman n.d.). The sharing and cooperation is in subsequent steps enforced upon companies and other actors that are required to find open business models which reciprocates the gift of free information. This is the so called the virus function of the copyleft license. In this process of commoning the part of the private property that still remains within the copyleft perspective is slowly becoming collectively owned and commonly governed, as I have described in relation to Wikipedia articles. (Lund 2017, 227, 237, 241).

The contemporary networked and digital mediation of information in which the costs for reproduction nears zero is in these discussions changing the conditions for enclosed private property. Private property built on enclosures clashes in more obvious ways with the freedom of speech, when art, journalism, information and literature are exchanged in the same fluid forms as social communication. This evokes the question if we should have an economy free as in free speech and what that possibly could mean? The potentialities of a commons-based economy are raised by a growing number of scholars in this context. Staying within the confines of capitalism it also introduces the crucial question if open business models are possible that in different ways can harness the networks effects being made possible by the technological development?

There are many perspectives on the concept of 'open' and it has been heralded as a key concept by the advocates of market transactions of enclosed private property, by advocates of open and free information (ranging from positions on open information that in subsequent steps allow unconditioned commodification including enclosures, over to notions of free information with attached conditions for the commodification excluding enclosures), and has recently been taken up by more radical thinkers. The latter category is more critical of the commodity form per se and stresses the necessary expansion of reciprocal social relations to the tangible world. This category of thinkers includes contemporary advocates of commons-based peer production and societies based on a generalised gift economy as Michel Bauwens of the P2P-foundation (Bauwens 2009; Kostakis & Bauwens 2014), Dymitri Kleiner with his Telekommunist Manifesto (Kleiner 2010) and autonomist Marxists like Michael Hardt and Antonio Negri (Hardt & Negri 2009). But despite this pluralism, the many versions of openness have not as Tkacz points out created a lot of ideological tensions, clarifications and qualifications (Tkacz 2012, 387), except for the debate between FSF and the Open Source Initiative on their preferred licenses.



The Open Knowledge Network is an active participant in the discussion around these changing conditions within the digital sphere. The study wants to clarify how OKN relates to capitalism in this changed situation.

The legal grey areas between particular copyleft licenses and permissive licenses are many when it comes to specific licenses, but the research object for the study is how the open movement relate to the licenses' principles on a general level and in a polarised form. The copyleft principle will be understood as an enforced openness that includes a formal, but only to a certain extent, an effective, acceptance of commodifications of the licensed works, which on the flip side stresses an expansion of the effective freedoms to access, reproduce, adapt and distribute informational resources. The principle behind the permissive software licenses will be understood as a permissive openness that is defined by its openness for subsequent enclosures that includes both a theoretical, and effective acceptance of commodification, which on the flip side does not stress the expansion of the effective freedoms to access, reproduce, adapt and distribute as it is seen as enough to have the original source of licensed material freely accessible. Openness and different freedoms (understood as enclosed and protected rights) are locked in different configurations in the two licenses: the permissive licenses are open for subsequent private property enclosures, and the copyleft is not, by impeding and closing the opportunities for such enclosures.

It will be shown in the study that the two approaches have significant ideological consequences and that they therefore tell us different things about openness and different freedoms' relation to capitalism. Informational resources under permissive licenses resonate with both of the two business models mentioned initially, whereas the copyleft material only resonates with the second one that builds on both open content and open data.

A generalised copyleft license in a capitalist society would require that open business models function well, otherwise it would point in the direction of a post-capitalist society. The character of both this capitalism and post-capitalism is unclear with a lot of grey zones.

1.3 Theoretical Perspectives on Liberalism, Marxism and Republicanism

The modern political ideologies have different perspectives on how society's social, economic and political life should be configured. The notions of freedom and justice plays a crucial part of these configurations. This section focuses on how freedom is understood by liberalism, Marxism and republicanism, as freedom is the more used word of the two in the open movement as exemplified by the open definition drawn upon the debate between free and open source software (FOSS).



1.3.1 Liberalism

Classical liberalism accords liberty primacy as a political value in two ways. First, we have a liberal principle stating that the onus of justification is “on those who would limit freedom” (Gaus, Courtland & Schmitz 2015). Locke pointed out that humans are naturally in a state of freedom in their actions, not depending on the will of any other man. Any limitation of the freedom, political authority and law, thus has to be justified, which is also the foundation of social contract theory. Second, these limitations on liberty should be modest: “only a limited government can be justified” and its task is to “protect the equal liberty of citizens” (Gaus et.al. 2015). What “equal liberty” means is a complicated story, and the problematic circulates around the concept of private property.

This enclosure, not-openness, of private property in relation to others’ freedom, is portrayed as a natural phenomenon and a natural right within liberal thought. Locke stresses that even if nature is given to humans in common, individuals have to appropriate the fruits produced by “the spontaneous hand of nature” as individuals before it can do these individuals any good. The individual’s own person is also his property: “this no body has any right to but himself”, and all the results of an individual’s labour is his “private right” (Locke 1980, 18-19). He situates private property in this relation to the commons:

We see in commons, which remain so by compact, that it is the taking any part of what is common, and removing it out of the state nature leaves it in, which begins the property; without which the common is of no use. And the taking of this or that part, does not depend on the express consent of all the commoners (Locke, 1980, 19).

Classical liberal theory is thus antagonistic to the commons and portrays it as without value (which in turn legitimized the process that Marx historicised and labelled as the primitive accumulation that kick-off capitalism (Marx 1887)). Gaus et al. describe the original liberal position as though liberty and private property are so closely related in liberalism that the boundaries between the two are blurred in several different ways by different prominent thinkers: all rights are forms of property, or, property is itself a kind of freedom. Capitalism’s market order is thus an embodiment of freedom, and people are free if they are free to “make contracts”: sell their labour force on the labour market, or invest their money (coming from wages or capital) as they see fit, thus the need of men’s property to be secured (Gaus et al. 2015). As men also inevitably differed in ability and energy, class society was a natural thing, and experiments to limit or reduce the unequal distribution of property with the law, and thus interfering with the security question, would only hamper productivity (Macpherson 1977, pp. 30–31).

Liberalism came in to existence with capitalism and first accepted the market as its “basic unconscious assumption”, but a second generation of liberal thinkers such as J. S. Mill highlighted the task of protecting the equal liberty of citizens (Macpherson 1977, p. 1). Living in the middle of the nineteenth century Mill had to relate



to two central changes in the epoch's capitalism: the deteriorating living conditions of a working class that were organizing and becoming a real danger and threat to property (Macpherson 1977, p. 44). Mill thought the unequal distribution of the products of labour unjust, but at the same time defended that the right of private property—by freedom of acquiring by contract—included the right to what had been produced by someone else. The capitalist principle was not flawed, it was the origin of modern European society in an uneven distribution of property due to conquest and violence that was the problem. According to Macpherson, Mill failed to see that the capitalist market relation enhances any original inequitable distribution by adding value from current labour to capital (Macpherson 1977, 53-5). This criticism of Mill (as well as other forms of liberalism) is a cornerstone in the study's ideology analysis.

Mill's social liberalism partly contrasts with laissez-faire liberals and libertarians' political project. The unequal distribution of property and the unequal distribution of the products of labour is not a problem for them as it is seen as a freedom. The emphasis on limitlessly maximizing actors' (at the expense of others freedom), protected by a property law, improves the productivity in an expanding economy and is not seen as an expansion of coercion. Friedman stressed in *Capitalism and Freedom* that the state only should govern the matters that could not be managed at all, or managed with too big a cost, by the market (Friedman 1962; Macpherson 1968).

The focus of liberalism is on the individual's freedoms including the freedom to acquire by contract the labour power of others as well as the resulting products. The difference between classical liberalism (and its modern form of neo-liberalism) and social liberalism creates an ongoing and internally working contradiction that has been with liberalism since its beginning. Liberalism can mean both "freedom of the stronger to do down the weaker by following market rules" or a contradictory perspective on the "equal effective freedom of all to use and develop their capacities" (Macpherson, 1977, p. 1) in Mill's version. The two views differ in their view of the state's role in society.

1.3.1 Marxism

G. A. Cohen contends that liberals and libertarians overlook the "unfreedom which necessarily accompanies capitalist freedom". One person's private property presupposes the non-ownership of other persons (Cohen 2006, 167). This being so, means that those who define libertarianism as opposed to any social and legal constraint on individual freedom is untrue to the definiendum, as it defends private property (Cohen, 2006, 167-8).

Capitalist freedom—the right to private property—also leads to social unfreedom because of the generalised role of money. Money is the radical leveller that does away with all qualitative distinctions between commodities, simultaneously as it can be privately owned as an external object and commodity. The generalized use of money transforms social power into the "private power of private persons" (Marx, 1887 [1867], 85-6). This social power deepens as the private ownership of the means of production is at the heart of capitalism's social relations of production—the class



society. The formally free contractual character of the commodity exchanges in the circulation sphere of the market, including the labour market, changes into real unfreedom in the production sphere where money is turned into capital and the labour power is used to produce surplus labour and surplus value:

On leaving this sphere of simple circulation or of exchange of commodities... He, who before was the money-owner, now strides in front as capitalist; the possessor of labour-power follows as his labourer. The one with an air of importance, smirking, intent on business; the other, timid and holding back, like one who is bringing his own hide to market and has nothing to expect but—a hiding. (Marx 1887, 123)

British socialist R. H. Tawney saw the freedom as an ability act with the “effective power to act or to pursue one’s ends”. If you are too poor to be a member of a club you are formally allowed membership in, then you are not free to be a member—you do not have the effective power to act. This perspective “ties freedom to material resources” (Gaus et al. 2015). This lack of real freedom or effective power is what forces the worker to sell his labour power on the market. G. A. Cohen describes the proletariat situation as a situation of collective unfreedom of an imprisoned class (Cohen, 2006, 180-1). This distinction between formal and real freedom is framed as a difference between a negative/formal freedom and a positive/real freedom throughout this study, partly in contrast to Isaiah Berlin’s classical distinction between the two in the form of two questions: “What is the area within which the subject – a person or group of persons—is or should be left to do or be what he is able to do or be without interference by other persons?” (negative freedom) and “What, or who, is the source of control of interference that can determine someone to do, or be, this rather than that?” (Berlin, 1969, 121-2). The difference between formal and effective freedom as used in this study can both be placed within Berlin’s category of negative freedom. The study’s main focus is on this distinction. Berlin’s positive freedom will not be explicitly used in the empirical study, in order to not confuse the reader, but will latently be drawn upon when related but marginal themes of the state and governance is addressed in the study.

Tawney’s argument can be stretched further. Social inequalities do not only limit our freedoms, they also enforce us to contribute to their prolongation through a wage system that helps us reproduce as social beings and workforce, at the same time as it enriches the already rich capitalists further through capitalism’s accumulation regime. The autonomist Marxist position stresses that the ultimate aim of capitalists is to maintain the capitalist relation rather than the accumulation of capital (De Angelis, 2008) validates the importance of maintaining this unequal power relation based on unequal distribution of freedoms (private property) in capitalist class societies.

This positive notion of freedom does not necessarily lead socialists to see a stronger need for state regulation of people’s freedoms in relation to property and ownership, neo-liberals’ private property also demands state regulation (see footnote



5 on Berlin's distinction). The political regulation has been designed in different political ways by socialists: from authoritarian Leninist to communist anarchism. The latter position comes close to an older political tradition of republicanism that also have bearings on contemporary debates of the commons and their governance.

1.3.2 Republicanism

Republicanism is a political conception of freedom and defines the concept in relation "to certain set of political arrangements". You become free when you are a citizen of a free political community (Miller, 2006, 2). Civic republicanism understands freedom within a context where human beings are "necessarily interdependent". Freedom can be realized when those "who are mutually vulnerable and share a common fate may jointly be able to exercise some collective direction over their lives" (Honohan 2002, 1). A free community is a community that is self-governing (Miller 2006, 2). Within republicanism "freedom is related to participation in self-government and concern for the common good". This concern for the common good "sets republicanism apart from libertarian theories" that focus on the individual rights in a neutral way which excludes "substantive questions of values and the good life from politics" (Honohan 2002, 1).

Republicanism could relate to both the negative and positive freedom as understood by Berlin. When it comes to negative freedoms related to property, the position stresses an interrelatedness that could take communal and commons' forms. As a positive freedom in the sense of ideas regarding the legitimate source of control, the republicanism could assume positions ranging from an advocacy of the republican state to more social anarchist or commons forms. Republicanism therefore loosely connects to Stallman's vision of supporting social sharing and supporting.

1.3.3 Summary and relevance for study

The socialist view on free and the freedom to act stresses that it has to be an effective power, taking social inequalities depending on the unequal distribution of private property (the liberal right and freedom) into the equation. This often means that means of production and communication have to be openly accessible in different forms. The freedom of private property has thus to be opened up in some form to create not only a formal but also an effective, collective and positive version of freedom.

Liberals defend and value the individual freedom and right of enclosed private property. A right that can be given or contracted away, but also sold on the market. The openness in relation to private property is voluntarily chosen, but more strongly highlighted when it comes to the formal and negative freedom of speech as in the case of Popper. The contradiction between liberal notions of freedom of speech as an openness for plural political views in the public sphere and the enclosed private property is highlighted with more fluid and communicative forms of modern ICTs. When the costs for the reproduction of non-rivalry informational goods nears zero, they lay



the ground for use-values depending on network effects. Digital use-values become more functional the more they are used as they do not get depleted when used.

This changes the landscape for the liberal perspective around a freedom of speech built on non-rivalrous ideas being expressed without limiting others ideas to be expressed (and thus the ideal of an open public sphere), and the traditional enclosures of scarce tangible private property that has to be enclosed to not suffer from the tragedy of the commons (Hardin, 1968).

1.4 Method

This section presents the case study and the ideology analysis.

1.4.1 The Case Study

The empirical study started with a so-called Meet Up organised by OKN in London on June 9th 2016. A qualitative survey with questions of an open character had been designed for the occasion. The questions touched central themes like the evaluation of open business models for profit, the differences between open government and open companies, the ownership of user-generated data on commercial platforms, and the copyleft principle.

Attendance to the Meet up was one criterion in the selection process of informants. Two other criteria were that the informants should have close but various relations like member, volunteer or supporter to the OKN. The survey was partly used to gather this information. The informants George (supporter), Jessica (volunteer) and Marta (employee) were chosen from the survey's respondents. Informant Richard was chosen as being a founding member of the NGO and one of the authors of the open definition, whereas Jim was chosen as a supporter making a living within open research. All in all, five informants were chosen, three men and two women.

The informants' answers to the survey's questions gave valuable information for the semi-structured interviews, but the questions primarily worked as an interview manual. The semi-structured interviews were conducted between June 20th and July 14th, 2016.

The informants' names are pseudonymised in the study. The main argument is that the statements connects to social discourses and social ideologies on an intersubjective level. It is these ideologies that are being studied, not a particular individual's understanding per se. The level of investigation is not focused on the individual, but on the statements as social phenomena. It is also assumed that individual informant's world views can include several different ideological positions both explicitly and latently held. The pseudonyms highlight this social focus by toning down the importance of the individual informant. All the informants where at the time of the interview informed and gave their consent to the use of pseudonyms, but none of them have asked for anonymity. As an extra precaution the informants were informed that full anonymity could not be guaranteed for informants related to the relatively small, albeit loosely knitted, network of OKN London.



1.4.2 Ideology analysis

The ideology concept touches on social interests. I largely share Slavoj Žižek's observation that the ideology critique's antagonism between different interests is transformed into differences within pure discourse analysis which emphasises a horizontal logic of mutual recognition between different identities, rather than recognition of the existing imbalance of power and the logic of class struggle (Eagleton, 2007, 142)

Ideology analysis focuses both on a manifest and latent level on what is expressed in words or other social practices. The study focuses on understanding what the open definition of OKN and the informants are saying at a conscious level, but will also look for more unconscious positions such as significant silences, hidden values, blind beliefs, omitted basic assumptions and naturalisations of social constructions. The Marxist ideology analysis developed by the group known as the Gothenburg School (Göteborgsskolan) will be used. This school use a positive idea of ideology instead of the negative idea that is usually used within traditional ideology critique. The distinction was first developed by Jorge Larrain (Larrain 1979). The Gothenburg School separates the latent and a manifest side of the ideology but emphasises the ideology analysis that makes manifest the ideological totality, and only at a second stage introduce criticism and links the identified ideology or world-view to various class interests and other power structures. In the study, this second stage focus on how the ideological positions and formations relate to capitalism as a class-based system built on growing social inequalities. Finally, it is important to establish that the latent and manifest in the ideology do not exist outside of the analysis and that they are dependent on the analyser's "position in time and space" (Bergström & Boréus 2005, 151-3; Johansson & Liedman 1987, 215; Liedman 1989, 23-5, 27, 30).

It is now time to begin the empirical investigation.

1.5 The Empirical Study

During the analysis of the transcriptions, three broad themes were identified:

- 1) The opening up of the state's data and its relation to derivative commercial enclosures.
- 2) The opening up of companies' enclosed data (including user-generated data on commercial platforms).
- 3) The political strategy built around the open and free.

The discussion about the copyleft license concerns these three themes in different ways, and is arguable at the centre of at least the first and third question (but potentially also regarding the second one in relations to contracts in relation to terms of use). I will therefore first centre the study on the values, naturalisations and silences that is identified explicitly and latently on the copyleft principle (or the Share-Alike license that Creative Commons calls it). As the third theme of strategy has a meta-dimension to it and includes the two other themes, a more strategic focus related to the societal level and capitalism as such will be used in a second section. This perspective was mainly discussed in relation to open business models in the interviews.



Data, information and knowledge will be used as synonyms throughout the study. This is in line with how OKN uses the terms. According to Richard Open Knowledge does not refer to the famous distinction between data, information and knowledge, but was chosen because it “covered the whole spectrum of digital information” from data to movies (Richard). This does not hinder that distinctions between the data, content and algorithmic level will be made explicitly when they are important for the clarity of the argument.

1.5.1 The Copyleft Principle as a Proxy for What OKN Means with ‘Open’

This section takes a look at OKN’s view on the copyleft principle from three different angles. First in an analysis of the Open Definition, second the evaluation in relation to the concepts of openness and freedom, and third in how the prospects of a generalised copyleft principle is perceived.

1.5.1.1 The Open Definition

Interestingly OKN’s Open Definition contains both the logic of the permissive licenses and the copyleft logic. It can do so because the definition is not a legal text. This has political and ideological consequences. To start with we can take a quick look at opendefinition.org’s web page where the definition is summarized by Open Knowledge International (OKI) in this statement: “Open means **anyone** can **freely access, use, modify, and share** for **any purpose** (subject, at most, to requirements that preserve provenance and openness)” (Open Knowledge International 2017). OKI then says that this can be put even more succinctly. And achieves this by basically dropping the parenthesis: “Open data and content can be **freely used, modified, and shared** by **anyone** for **any purpose**” (Open Knowledge International 2017). This tones down the difference between so called permissive licenses and the copyleft license. And makes the former the norm.

The first two paragraphs of the full Open Definition state the following:

The Open Definition makes precise the meaning of “open” with respect to knowledge, promoting a robust commons in which anyone may participate, and interoperability is maximized. **Summary:** Knowledge is open if anyone is free to access, use, modify, and share it — subject, at most, to measures that preserve provenance and openness. (Open Knowledge International 2017)

The copyleft is at the margins of this definition of openness, as it does put some limits to who can participate in the commons and therefore also do not maximise interoperability. It could also be argued that the copyleft does promote a more “robust commons”.



Marta explicitly defends the Open Definition even if she claims that copyright and copyleft is not her strongest area of expertise. She knows that the definition contains the two differing perspectives, but thinks that we should stick to it (Marta 44.11). Richard explains how the Open Definition was written. He admits an existing philosophical tension, referring to the discussion between FSF and OSI, and he portrays it as theoretical matter “which we could spend time going into”, but towards the end, he tones down the tension: “we wrote the definition as by the open source definition which is basi[cally] free software as well”. He portrays it as though an agreement exists when it comes to prioritising standards: “If one piece of software is open it should be compatible to another piece of software, so it is open” (Richard 3.32, 4.26).

This stance actually resonates with Stallman’s critique of the Open Source perspective for missing the social aspect by stressing development methodologies. An even more political critique could be that this technological perspective takes away the political tensions at play at the same time as it favours one license and not the other. The common ground that is suggested is an openness for all other software to be able to use the licensed code, but this ground is not the copyleft’s ground. The logic of an unconditioned openness is contrary to the copyleft principle. It instead requires a reciprocal openness from the receiving software project. Thus, the Open definition includes the copyleft principle on the surface, but marginalises it at the same time, and so does Richard’s emphasis on standards and interoperability.

Outside the law with its mutually excluding licenses, in the Open Definition, the political tension or conflict of perspectives, is harder to notice. The general idea of the definition seems to be that the openness of the permissive licenses is more open, at the centre of openness, as they are open for everyone and everything, whereas the copyleft restriction is accepted at the margins, almost as in a gesture of openness in itself. The existence of this marginal position, in my interpretation, actually highlights the enclosures of derivative works in the normal position, enclosures that in practice most often translates into being commercial enclosures. Then companies’ right to enclose the openly licensed material here actually becomes ideologically the normal and mainstream understanding of openness.

1.5.1.2 The copyleft principle evaluated in terms of openness and freedom

George is very much against using only the share-alike license, with the argument that you cannot force anyone to be open (George 12.16, 40.02, 44.55, 46.15). “The share-alike constraint is still a constraint so I don’t, I personally don’t like it that much, as I don’t like the non-commercial constraint, because I only need to preserve my ownership, my attribution” (George 40.02). But at the same time George also thinks that protecting the constraints or enclosures of private property is a basic human instinct (George). This interestingly translates into a position where permissive licenses are better for him than a copyleft license that actually does claim some of the rights and enclosures that comes with private property.



The difference between tangible and non-tangible property superficially explains for some of this apparent contradiction. In the realm of information, you do not need to protect your property as much as when it comes to the tangible world (George). But under the ideological surface it is implied that he wants openness to foster enclosed commercial services. He also explicitly states that the goal for him is not that we share, but that we are doing good things, like finding a cure for cancer. Open data under a permissive license could help an old-fashioned chemical company (which wants to enclose its research data) to research about cancer, whereas a copyleft license could hamper the research. It would therefore be better to not use the copyleft constraint. “I don’t want share-alike ... to compromise good things like a cure for cancer”. He claims rhetorically that the company would earn money, but that we all would have a greater chance for our survival (George 42.31). Copyleft is thus not good because it limits or opens up private property’s rights and enclosures in a way that threatens capitalism. Copyleft’s freedoms are less important than the freedom of private property. The distinction between non-tangible and tangible goods does not change this classical liberal stance, instead he favours an openness that favours capitalist business and in the end enclosures.

This however does not exclude him from advocating for a systemic openness in line with the permissive licenses. He stresses that “nobody stops another pharmaceutical company to use my data and to release their own cure for cancer in the open” (George 44.55), “the fact that I am not stopping the evil pharmaceutical company, does not mean that the good pharmaceutical company cannot exist” (George 44.55).

In the end Jim comes around to the same conclusion, but he starts his argument on the copyleft license by claiming that we live in an age that is “meaningfully different in terms of the amount of information that we have and how it dictates our lives”. He stresses that we “for the first time we have a feasible way of really sharing all of this information”. As a consequence, he thinks that it should be frictionless for people to contribute and reuse the information (Jim 4.18). He admits that he earlier would not have included companies in these sharing processes, but now stresses that he has come around to Rufus Pollock’s (one of the founders of OKN) vision that “every type of information... from every source that could be shared, should be shared” (Jim 4.18). The world becomes better if a company like Facebook shared its data (except for privacy issues) and algorithms. But this does not mean that he supports the copyleft license. He confesses that he would have a hard time lending his weight to an advocacy for it (Jim 7.23). It would be nice if the copyleft was used, but for some areas this would be problematic and the costs for using the copyleft license could be steep. It is enough that the original data source still is open (Jim 24.40) It does not concern him much if already opened up data, from the state or another actor, are re-locked by a company as “the source of the data is still open”. The original source can still be used by people. Jim adds: “I think one of the primary purposes of making data open is to enable companies to...what they want with it, even if they do...lock up you know what they are doing with it” (Jim 12.23, 12.49).

This is a support for the permissive licenses against the copyleft license. A growing commons characterised by reciprocity is not promoted. Actually, Jim takes



the argument one step further and contends that the ideal license is CCo, public domain, and he admits that he does not think so deeply about it, that other people has thought about it, and that he just accepts it and “advocates for it” (Jim 22.05).

Richard addresses the copyleft licenses from the angle of openness. Not even Stallman himself would require the use of only share-alike licenses, “well, he would say generally you should use share alike”, but Richard does not think that Stallman “ever would argue that like public domain material is not open” (Richard 4.26). This is probably true, besides the fact that Stallman does not talk about open but about freedoms. The copyleft is based on the mandatory rights or freedoms to access, use, adapt and distribute. Stallman turns these freedoms against copyright by using copyright. He most clearly does not talk about an openness that relegate the open to the service of enclosed commercial derivative uses. For him it is about a social and mutual interaction, promoting sharing and solidarity, envisioning an expanding commons built on reciprocity.

Richard knows that the copyleft license promotes the commons more aggressively (Richard 4.26), even if we also know that his understanding of the commons focuses on technical interoperability between the informational goods, rather than the social commoning.

I got that... so I generally subscribe to that view personally, but I would say [what] Voltaire says, you know, 'I don't agree about anything you said, but I die supporting your right to say it', similarly while I think that copyleft and share alike is probably a better way to develop the commons, [but] I would always defend the right of people who use [a] MIT license or a license that is open but which is not share alike. (Richard 4.26)

Political liberalism's credo of freedom of speech is here used to allow commercial enclosures and enclosed private property within a discussion of the open. Essentially it is the same argument as George makes: openness cannot be forced upon anyone, even if it popularises (by enforcing openness) within an expanding commons the effective and positive freedoms to act upon informational resources in a way that holds similarities to the freedom of speech. The freedom of choice when it comes to private ownership is here isolated from socio-economic inequalities and seen as a right in the sense of a negative freedom to privately enclose property.

Marta defends the hybrid Open Definition, but also addresses the copyleft license indirectly. The commodification of open data is not a problem for her, but she says that the potential commercial enclosure of opened up data is not something that she thinks is good: “if they are using open data, and then the whole service is closed, then it is bad” (Marta 14.27). She both accepts commercial enclosures and is critical of them.

When Marta is asked if the Open Definition does not ideologically use the copyleft license to whitewash the permissive licenses' allowance of enclosures, she answers that the question of net neutrality is a bigger political issue and has to be



taken away from the hands of neo-liberals (Marta 47.25). Net neutrality is the principle that all data on the Internet should be treated in the same way, regardless of “user, content, website, platform, application, type of attached equipment, or mode of communication” (Wikipedia contributors 2017b). Marta thinks that many aspects of net neutrality are important, but that the open movement needs to solve various issues so that capitalist companies do not take advantage of them, using net neutrality as an instrument to profit from: “and there is a lot in net neutrality that does that” (Marta 47.25). In this context, she also stresses that some research that is “needed in order to stay alive” should be made open, like pharmaceutical companies’ trials (Marta 47.25).

Net neutrality is a question that revolves around the open protocols of the Internet and in this way connects to the question of open data and knowledge. Marta’s critical discussion is characterised by not stressing an unconditional openness in relation to net neutrality at the same time as she would like to enforce openness on some corporate information in the name of human rights. This critique of an unconditioned openness strengthens her critique, albeit indirectly and somewhat latently, of the permissive licenses’ logic, that she relates to in ambiguous ways, but she still does not explicitly highlight the copyleft license even if she thinks it is bad if opened up data is enclosed again. She wants, as she also stressed in the survey, to hold companies accountable in relation to ethical behaviour, but without demanding openness regarding “where the money is coming from” (Marta 7.36). This seems like a preferred middle ground that does not threaten the capitalist logic of enclosed private property. Though, with the one exception of pharmaceutical companies, “which are not the normal companies”, who should be convinced to open up their research trials by arguing for the benefits of this (Marta 10.57, 47.25).

As an individual, Jessica is in favour of the copyleft principle. She thinks that it would be great to use it. She has no problem enforcing the principle on other projects’ use of the copyleft resource (Jessica 46.27, 54.20). In the survey, she had commented that the copyleft license “closed the system” in the answer to the fourth question, a logic that contradicts many of her statements during the interview. She said that she probably had misunderstood the survey question and stresses that if something is made open it should “equally” be used and distributed in an open way without the data being closed off (Jessica 46.27).

I think I must have misunderstood because I think... that [it] is important that if something is openly, if it is something that was... made open, anybody [who] builds on that should equally, so in that case I think my statement, I probably was under the impression that it meant with the license they could then close off that data. (Jessica 46.27).

From this position, it is clear that Jessica stresses the processes of reciprocity in relation to open data and openness. It is not a problem to enforce the copyleft license with help from the remnants of the private property right (or freedom) and thereby open up most parts of the private property in subsequent uses.



Her point of view is morally grounded within a social universe. She stresses that it is not fair that companies, that have not paid anything for it, to enclose information that is made openly available (Jessica 6.25): “On the face of it... I would be uncomfortable with that because I am thinking that people actually provided this freely, but yet you are making something out of it” (Jessica 6.25).

Jessica’s conditioned openness does not explicitly make an argument about effective power relations, but her statements of fairness imply notions of justice that latently connect to ideas about a need for an evenly distributed positive power to effectively act in accordance with one’s will. She also explicitly expresses a wish for a levelled playing field in this context (Jessica 6.25). Her conditioned openness explicitly at least problematises, from the angle of social processes of reciprocity, the negative right of private property to enclose information, and latently touches on questions of positive freedoms and rights that go against the negative freedom of private property in the name of justice.

Her support for the copyleft license is expressed in yet another form: in terms of transparency. She contends that open data and information facilitate open scrutiny. She claims that it is better if you know what has “actually happened to the information you provided”, openness is the “easiest way to actually find out what they are doing to the information you provide” (Jessica 46.27). Here the negative or formal right to privacy is turned against the formal right to private property to enclose information that is assumed to be generated and owned by the individual in the first place. Instead of the reciprocal dimension in the case of data given away openly, this logic builds more on the same liberal logic of a formal or negative freedom or right to personal data. It is more about turning liberalism against liberalism than about evoking a social dimension in favour of the copyleft principle.

1.5.1.3 Perspectives on a generalised copyleft principle

George talks of “many flavours of open” in the open movement and describes the differences between CCo (public domain) and CC-BY, just attribution, as “dramatic”, but still does not see the difference as problematic. Maybe this is because it is just a question of attribution or not, the moral rights of copyright or not. The problematic thing for him would be if the share-alike license was the only one, especially if it were to be promoted by the state.

George suggests that it could take at least 200 years to educate people to go beyond today’s copyright and find out that it is not necessary with a strong copyright (George 18.24). But he does not want to speed up the gradual change with the copyleft license and enforce a systematic extension of the realm of open. He deems that it is not a good idea for society to “converse to one definition of open that everybody somehow can relate to, like a Share-Alike”. He has no need for that (George 40.02).

In order to reach “an ideal world” in 200 years where there is no copyright, or just moral rights, there is need for more examples, new benchmarks, of successful commercial openings of data that allow the companies to, as George says, “pay divi-



dends to the founders and so on” (George 18.24). Such benchmarks help people and companies to make informed decisions on how to run a company, and to decide “to what degree I want my company to be secretive or open” (George 24.01, 38.09).

Openness is thus voluntary when it comes to intellectual property. Openness cannot be forced upon anyone and capitalism is not the inherent enemy of open data and open information, even if capitalism will generally remain against it for 200 years or more. The capability of paying dividends to shareholders on open business models is paramount for openness of data and information to be generalised in society and among capitalists. If this is not possible, the right of private property and enclosures of information are stronger than people’s right to open data, a right that should not be enforced by a generalised copyleft license. As we have seen, the capitalist self-interest that is profiting from closed property is more important for George because it gets things done. For him, it is a lesser good to open up property and make its informational foundation continuously and increasingly freely accessible for all players in society, because it could interfere with capitalist business models

Jim stresses early on in the interview that CCo and public domain is his ideal license and the one that he advocates for, but in practice (see section 1.5.12) his support for unconditioned forms of openness means that he supports parallel commercial enclosures. In several ways, he argues in favour of enclosed business models with the open information coming from other actors than companies (Jim 12.23), so neither the permissive licenses or the copyleft license really applies to companies for him except for in a utopian way. Ideas that the copyleft license would be more advantageous to a company that does not want to unilaterally support other companies with open data, is thus non-existent.

Later in the interview he states that the rationale for the copyleft principle is to challenge “corporate control of stuff” and profit-making on an implied systemic level. Contrary to this he deems it very important to separate the two ideas of openness and profit-making. Openness is not about taking down for-profit companies (Jim 26.57). Jim here latently dismisses the theoretical allowance for commodification that is connected to the copyleft license as wrong or flawed. His interpretation also marginalises that the copyleft license on the surface of things is about freedoms and rights that connects to freedom of speech. Jim makes a radical reading of the principle that implies that the principle threatens the freedom of private property. And he is against that. It also tells us that his embracing of open business models is purely utopian.

Richard refers to Stallman when we discuss the copyleft license and the permissive licenses’ acceptance of commercial enclosures. He states that the critical question for OKN would be why it does not only have Share-Alike licenses (Richard 4.26). His reference to Stallman, and that not even he would be in favour of only using the copyleft, implies that the question ideologically contrasts the virtues of the open data definition’s pluralism to a potentially monopolistic claim of the copyleft principle. That is the only type of tension involving Share-Alike that is recognised by him and by George.

Interestingly, the same pluralism that Richard favours when it comes to the Open Definition’s inclusion and marginalisation of the copyleft license, is criticised by



Richard in relation to the six different Creative Commons licenses. Even if it especially is the non-commercial license that is criticised for not being open (by him and George), the pluralism is addressed as a problem in itself (Richard 3.32).

Maybe this is because the pluralism connected to the Open Definition is of a domesticated kind where the copyleft license, which potentially could be harmful to business, is marginalised and does not interfere with the unconditioned openness as the definition is not a legal text. Richard also explicitly stresses that the two perspectives should “come together” (Richard 4.26). This is not possible in the case of Creative Commons.

But more importantly, the common denominator between the critique of CC’s non-commercial license and the marginalisation of a copyleft license that potentially could be harmful to business in the Open Definition, is an explicit or implicit favouring of capitalist profiting from the open material. This is confirmed by Richard’s defence of the right to use permissive licenses, even if he personally prefers the copyleft license. It does not matter to him that the copyleft more aggressively promotes the commons (Richard 4.26).

That these permissive licenses strengthen capital’s accumulation cycle with open and gratuitous means of production that in the end favours the individual capital’s that encloses the derivative works in relation to the ones using open business models, is not mentioned in this context by Richard. It could be seen as an ideological lacuna.

Moreover, nothing is said by either George or Richard about the parallel expansion of the commodification in the non-tangible immaterial sphere that is contemporarily occurring. Interestingly, both the alternative of openness that is promoted here, and the expanding traditional copyright is favouring companies using commercial enclosures. But Richard’s stance on open business models has to be taken into account to give full justice to his argument (see section on open business models) (see section 1.5.2).

For Marta, it is a bad thing if opened up data is enclosed in new services, but at the same time this seems to be the norm for her. She proposes instead a partly reciprocal alternative to the full enclosures of open data, rather than the copyleft license; the reciprocal model would have to be voluntarily adhered to by the companies using the open data:

I did see a couple of models in Latin America, [a] company taking open data and then ... because they used open data, they opened part of their data-set as open data, the one that is not taking other profits specifically, that can help others, and that is a good one, like if the data is used in a model ... and it needs to be as a secret, then that is fine, but like you can release something else out of your data in order to ... to give back.
(Marta 14.27)

Here we have a gift economy and commons logic at work. If the companies receive open data for free they should give something back into the open, but at the same



time the model and Marta accept that some data and information is enclosed. The model is also voluntarily which indicates that a generalised copyleft principle is not on her horizon. She advocates a voluntary middle ground that only partly is characterised by a reciprocal logic.

Jessica expresses her view on the copyleft license early on in the interview. The question being discussed is if it is okay that companies take data that has been opened up by commons-based projects or the state, and develop commercial services that are not open about its datasets. The systemic implication of the question is implied. Jessica thinks it is a tough question, but concludes:

No, I do not think that is fair. I think it should be a levelled plain field... it [would have] been nice if ... it was a levelled plain field, you see what I mean? So, you can build on that information, but for you to then close off the data, I think that for me, I would worry, I think that is slightly more unethical. (Jessica 6.25)

1.5.2 Implications of the open in relation to business models and the ideal open society

This section focuses on the views of OKN members', volunteers' and supporters' views on open business models and the ideal open society. What is the realism of open business models? And if there is faith in them: what do they need to function?

1.5.2.1 The realism of open business models

Private property is a basic human instinct but it also gets things done for George, and openness in the informational field has to take that into account. Capitalist self-interest, monetizing on closed property, is more important for George than opening up that property to be continuously and increasingly freely accessible for all players in society, because it gets things done (George). On the other hand, openness does not have to stand in opposition to private property enclosures. He stresses, as we have seen that opened up data continues to stay open even if a company chooses to enclose their derivative uses of it (George).

But the dance between openness and enclosures takes also another turn when George stresses capitalism's need of asymmetric information. He states that one of the two defining criteria of capitalism is its need for asymmetric information (meaning one company knows more about something than a competing company). The other being productivity gains from producing in new ways. He defends the notion of asymmetrical information explicitly in some cases, and thereby also the right of commercial enclosures of information, by stating that it would be needed in a world where ways of producing are similar between different companies (George 28.37).

It is implied that companies' openness in relation to information is only acceptable when production processes are differing between competing companies, but as you cannot differ knowledge from production, it would seem fair to assume that



the contradictions in George's views on openness deepens. Opening up data, information and knowledge about your mode of producing in continuation leads to more similar ways of producing, a situation where according to George's argument asymmetrical information is needed. This means that the openness theoretically could never be totally open within capitalism. This contradiction is implied in the argument, but not recognised by George. The argument latently contends that the openness of data and knowledge should not be complete, when it comes to companies.

This configuration of the relation between openness and enclosures also latently questions the gradual change of capitalism into an open informational capitalism (see another form of George's latently questioning this gradual change in section 1.5.2.2). His case for an unconditioned openness in line with permissive licenses within a naturalised capitalism normalises capitalist enclosures, at least – as we will see in the next section – until the opposite has proven itself to function.

To Jim the world would be better if a company like Facebook shared its data (except for privacy-related information) and algorithms, but he does not know if “Facebook specifically would be better off” (Jim 7.23). Later he stresses that Facebook and Google “are incredibly closed companies” (Jim 8.58) and concludes that he would not go as far as to say that Facebook should open up their business model, but it would be better for the world if they did (Jim 7.23). Open modes of producing are contrasted with big capitals' modes. The enclosed business models are testament to how ideas work in scale, in big industries” (Jim 10.41).

This acceptance of commercial enclosures is reflected in Jim's political understanding of openness in the corporate sector, which mainly is drawn upon the assumption that the open data comes from other actors than the companies. Thus, seen from the opposite angle than opening up companies' data, the open data comes from the state or from user activities' data (which are legally transferred by contracts to the companies). It is clear (see section on copyleft) that the whole idea of open data for Jim is that it should be possible to harvest and used as the companies wishes even if it includes enclosures (Jim 12.23). The openness Jim is talking about in relation to open business models is an openness for companies to exploit rather than open business models.

Richard's view on open business models is that they are difficult to get functioning. It is cheap to copy but expensive to create information and knowledge (Richard). This could be one of the reason why Richard in practice is in favour of using the permissive licenses, that do not demand openness in return for the open data or information that is offered, but he also has ideas of how to finance open business models with the help of the state (Richard 25.07).

Jessica points out that she does not really know how business models work, when asked about the realism of open business models for companies. “In an ideal world I would say, 'yes, why not?!'” (Jessica 6.25). Her argument then elaborates on the importance of gaining profit in an ethical way for the benefit of the public, rather than addressing the question of the realism in open business models. After discussing the copyleft license the question resurfaces anew and once again she stresses that she lacks knowledge about business models. But the burden of proof seems to lay with



companies. To answer the question, she would need “someone to explain ... exactly why you feel that it is necessary for you to actually close off this data and that there is no other way” (Jessica 10.40). Her main argument has an ethical character: if the companies use open data from the state or citizens when it seems fair to her that the data keeps on being open, otherwise: “‘Why am I giving you my information [for] free?’, ‘What are you going to do with it?’, ‘I have no control and it is not benefitting me in any way’” (Jessica 10.40). Rather than discussing the realism of business models, her answer implies a critique of the companies not reciprocating an open gift of data with the same openness.

Marta sees, much like Richard, major problems with open business models. She cannot really see them coming: “So that is the thing, I don’t really know, like we speak about it a lot, we see it a lot, with the ODI [Open Data Institute] we see it a lot with the ... British government saying [it], [but] I never saw like any proof that this is happening” (Marta 14.27) Open data is at use everywhere according to her, but she is sceptical about the money it generates in profits:

So I don’t know exactly what, like why we always said the value is going to be four trillion dollars, I read the McKinsey report twice, I did not understand how they came up with the... number of four trillion, so we say [it] a lot and I think it is some... kind of excuse to try to use a local government, so they are afraid of full transparency, to tell them ‘oh this is going to be [an] economic force, but frankly I did not see one company that is based only on open data that can make like profit, like pure open data one. (Marta 14.27)

Two questions are intertwined in the statement. The idea of the state opening up data that companies could prosper from, and the idea that companies in their turn could have an open business model. But the idea that the state finances open business models, like in Richards case, is absent.

The last question first. Marta clearly states in the end of the quote that she does not believe that companies can profit from really open business models. A later argument on Open Data 500 supports this interpretation. Some of the data-sets in that project were according to her very tiny and “completely ridiculous” in the context of open data, and she ironically comments the project’s standpoint that actor’s outside of the state can open up relevant data-sets: “they were super no, no, you can generate it yourself without having it opened by government” (Marta 18.59). Companies do not really contribute with open datasets according to her.

This leads over to the first question of the state opening up its data for companies to prosper on. The last statement of Marta implies that the state is, if not the only one in practice, so at least the best suited actor for opening up its data. In this context, it becomes important to specify what kind of openness or open data the state releases in relation to companies’ business models. A copylefted openness would demand an open business model that Marta dismisses as not working, whereas a permissive license (or a release in the public domain) would allow enclosed business



models around the open data. A copylefted openness would then seem like a false pretence if evoked in this context, but Marta nowhere mentions such a solution. In practice the opened up state data would have to be released under a permissive license to be an “economic force”.

But Marta also questions the economic value of this opened up state data. It is not the oil for capitalism that some suppose it to be. Marta tells the story of the Danish government. She had an interview with them and they did not care for how much money the state’s open data would generate for companies. In their Open Data Policy they only looked at “how much they money they will save in an economic model” (Marta 18.59). The governments think about improving their own inner workings rather than supporting companies with open data.

In these statements open data, neither the copylefted nor the unconditioned type, does not strengthen neither open nor enclosed business models. But in other statements, albeit contradictory ones (as outlined in the section on the copyleft principle) she favours opening up state data for both the state’s own sake and for the companies’ sake (Marta). And even if she thinks enclosures of open data is bad, she explicitly accepts enclosures of open data when they are needed, implying that unconditionally open data (for example from the state) can result in profits for a company.

She thus tones down the importance for the economy of permissively licensed open data from the state and simultaneously says that it can be profitable with unconditionally opened up data. This both accepts and tones down the strengthening of companies built on closed business models.

1.5.2.2 Different gradual reforms and their limits (strategy and absence of strategy)

George’s take on the open stresses that the development of an open society in the information field is dependent on benchmark examples showing that it is possible for companies to make a profit at the same time as they are being open about their information (George 40.02, 42.31).

These benchmarks will hopefully flourish with the help of the permissive licenses unconditioned openness. George stresses that such opened up data can be commercially enclosed and still be open for other companies to build competing open business models on, but he does acknowledge that the company choosing an open business model could have “a more difficult life because they have to compete with the closed one” (George 44.55).

In this last argument, he latently recognizes that the companies with enclosed business models will be favoured and strengthened when a permissive license is used. George elaborates on the character of the competition:

Some organisations want to be open, some others have no intention whatsoever to change and most of the inequality is caused by these kind of thing, so, some players, some players want to be open some others do



not give a S. They just do not care. Inevitably there will be damage, often the open ones will be damaged by lack of access to the closed one's information. (George 46.15)

Favoured pharmaceutical companies, as in the examples he gives, with closed business models could according to me actually even prosper from the pharmaceutical company that is open about its research. But George does not address this growing inequality due to permissive licenses and that this version of openness actually strengthens an enclosed capitalism, a process which would dis-incentivise companies to be open about their data. Thus, the permissive licenses in practice would seem to work against creating benchmarks of open business. This is a major silence in the argument and a major contradiction in an ideological perspective on open data as a vitalizing force for a capitalism that gradually transforms itself from enclosed to open business models. And the political strategy, for all of the five members, volunteers or supporters that I interviewed, is gradual in character.

George even contends that the political project of openness boils down to if you have an organic or revolutionary view on political change. The latter would be to say that everything should be Share-Alike by the first of January 2017, whereas the other perspective will have to work with all the problems we are facing now (George 46.15).

Still he favours the last strategy, even if the problems seem to be there also in the future society, because: "freedom is a key principle of our culture" (George 46.15). "Forcing someone to be open, is not open. Forcing someone to be open or inviting him to be open is imposing something, which is not open" (George 25.57) And about private property: "if we think freedom is a basic right to companies and individuals, freedom includes the prop(.), the possibility to keep information for themselves. As much as I like openness I cannot force anyone to be open." (George 28.37)

Jim's political strategy for creating an open society is mainly focused on making progress for open data and knowledge within science and government. He thinks openness is more central to what is being done within these areas. Also, the case is easier made there. He claims that demands for companies to open up their data and algorithms are not part of mainstream open ideas" (Jim 8.58).

Precisely as George he sees a voluntary and gradual process towards openness, but the process is more based on benchmark examples of more technically efficient modes of producing that originates from the state and civic actors that are not producing commodities.

Asked whether the state could be inspired to launch open data projects into the corporate sphere, he answers that people in governments tend to go into industry at some point in time. If governments have experiences of open data allowing them to do things better, this experience will be transferred to the corporate sector (Jim 10.41). If OKN's hypothesis that you can do things better in an open manner within governments and companies proves to be true: "then we will find these ideas adopted, because it will keep people a competitive advantage" (Jim 10.41). The process towards open business models is a gradual process:



I think it will take more time, and it will happen probably quite naturally, right, if it is going to happen it will not, you know we will not legislate companies to be open in the same way that we do with ... governments, you know we will do it in a much more kind of diffusing kind of way, people from government and people from academia will go into business and be like 'why are you doing it in this terribly old-fashioned way', you know, you can make a lot better if you made stuff open. (Jim 12.23)

The working hypothesis of the study, that the open movement focuses more on opening up state data than company data, is confirmed, but it is seen – when asked for – as part of a gradual and voluntary process of transforming also the economic sector. At the same time demands on companies to be open is not part of mainstream ideas within the movement according to Jim, and he thinks the copyleft principle's linking of openness and anti-profit sentiments should be counter-acted. The strategy is thus void of political struggle or reforms, and the gradual process is dressed in a technical language of doing things more efficient and giving competitive advantages to companies. It is in this context he thinks that different projects like Wikipedia could help change companies' attitudes toward openness, transforming it from a "scary thought" into something that could be a way forward (Jim 10.41). Benchmark examples from the state and the commons should gradually inspire the companies to be open.

Jim de-politicises openness (and naturalises it) in yet another way when he sees open as an intrinsic good. Openness is 'good' no matter the context: "I think the ideas of open are intrinsically good whether they are in a capitalist society or whether they are in a, in a non-capitalist ... society, or they have power to be potentially good" (Jim 26.57). This statement is contradictory to his notion of openness as being open to capitalism's enclosures. An unconditioned openness as the one he describes is not compatible with non-capitalism, as it is open for capitalism's enclosures. And according to his own argument the copyleft license is equally incompatible in practice with capitalism. This means that his argument latently oscillates between the two forms of openness in an unprecise way that avoids political conflicts. At the same time, we know that he favours one of the two versions of openness. The ideological action seems to be a de-politicisation that covers the support for subsequent capitalist enclosures and tones down the importance of a class society and its uneven distribution of how to prosper from open data.

In the relation to information as something intrinsically good Jim explicitly stress that openness fosters ideas of a levelled playing field and radically supports a more equal society (Jim 26.57, 29.35, 30.27):

I am very conscious of... that like openness gives a more radical potential ... [for a] more equal society with more equal access to information and data sources, a... in a world where... information is often power... that does give the potentials for [a] more kind of equality owner[ship]...



that is one of the reasons the ideas are intrinsically good and intrinsically important. (Jim 29.35)

This argument naturalises that openness always lead to more equality, omitting that the openness mentioned is partial and not system-wide, and without taking into account the wider and surrounding capitalist class society where companies with enclosed business models can prosper more easily on open data, than civic society and companies with open business models.

Contrary Jim stresses that the civic society should use the open data like the companies, without worrying about the commercial enclosures (Jim 12.49). This time it is the companies that is the inspiring raw model to copy and not the other way around as seen earlier, and nothing is said about differing effective powers to act. The case of Wikipedia here comes to mind, but such projects needs a critical mass of peer producers, and peer production projects that compete with capitalist enterprise are still relatively few, and their status as challengers to capitalism is still highly uncertain and questionable (Lund 2017). The idea of open data as resource for a civic society to grow stronger and, latently implied, compete with companies renders the problem of hierarchical social structures of capitalism and how they effectively shape the use and exploitation of the open data rather invisible. Aligning openness to civil society here further tones down the social power relations that an unconditioned openness reinforces under capitalism.

The important ideological lacunas of capitalist class society and the partial unconditioned openness comes into stark relief when juxtaposed to Jim's explicit and radical reading of the copyleft principle as a threat to a freedom of private property that he defends as necessary. In this latter context Jim stresses that he is not trying to shut down neo-liberalism (Jim 26.57).

Jim's commitment to a gradual opening up of society does not seem to really include open business models. In the end, his embracing of open business models is quite utopian and works ideologically to sell the idea of a vitalised capitalism (see section 1.5.2.3).

Richard wants all information—data-sets, content and algorithms—that is not private in character to be open, but he stresses that open business models are difficult to finance (Richard). This statement is pragmatic and naturalises capitalism. To counter this problem, and promote open business models, Richard promotes the state's role for openness. Commons-based peer production and other alternatives cannot scale up enough. "The state is the one entity which has the power to solve public good problems, to raise money to pay for common goods, and that what's information is" (Richard 25.07). The state should according to him be used as a mediator for tax money that is distributed to entrepreneurs, companies and NGOs.

Regarding algorithms as business secrets, Jessica stresses that she is not "a fan of that" (Jessica "23.35). The biased nature of Google's algorithm mentioned as one reason for why it has to be made open. Google's algorithm affects people's behaviour: "you are not aware that this is actually feeding into what you are doing" (Jessica 23.35). She states that she is opposed to enclosing algorithms because they are not



impartial (Jessica 23.35). Google's page ranking algorithm "helps to widen inequalities" in the long run: "A lot of the people who tend to be affected by this are those who are actually... the excluded from the system... and it means that what tends to happen is that by the time we realise what the impact is, [it] is so entrenched... with the status quo" (Jessica 26.01). Following from this she stresses her identification with fairness and an opposition against social inequalities. She would like to reverse the trend of growing social inequalities, even if "there will always be people who have more than others" (Jessica 29.54).

But there exists a gap between the ideal world and the present in Jessica's statements. She does not know what would happen to capitalism if the algorithms were opened up. When asked if big companies like Google and Facebook would not act against such political reforms, she does state that you will have to have the population behind you to be successful. But she understands the population as clients on the market (Jessica 32.30). These clients will have to say no to these enclosed business models, and when they do, the companies would have no choice: "but to actually change their business model" according to Jessica (Jessica 32.30). The critique could go viral and inspire people to find alternatives, and thus create a market niche for new companies (Jessica 43.47):

I think that if somebody came along and said 'no we have developed a better algorithm, this is what algorithm it is... your open to test it, to see what... it is actually an impartial one', I do not see many people who are going to say 'I am actually going to keep using Google'. If I know... that their algorithm is closed up, it is flawed, they will not share this information, why will you not you let us test it. (Jessica 43.47)

But further on in the interview, after having asserted that OKN is about opening both state and company information she stresses that the strategy is focused on being encouraging "because it shouldn't be an antagonistic ... relationship". The strategy associated with the advocacy for the openness is to point at the benefits "and say 'look this is what you get'" (Jessica 40.27).

She emphasises that the competition following opening up companies' information is good, "nothing wrong with that", and hopes that there will be enough profit so that the divides between those who have and those who do not have is narrowing down. The opening up of information results in: "more things to work on" and she thinks "it will, it would fire up ingenuity or innovation in some ways" (Jessica 29.54). Innovation is stimulated by "people doing the same things working side by side", firing up an "entrepreneurial drive" that in the end had the effect that "people used better and more innovative products" (Jessica 31.27).

There is nothing implied in these statements about what the benefits of the openness is for companies like Google and Facebook, and the argument that an open alternative could help the clients in the market to pressure Google into opening up their business information, including their algorithms, is hard to be believe in when



taking into account that network effects lead to monopoly effects (as in the case of Google) in the digital sphere.

And if then also the antagonistic struggle more generally is closed, very little backing is left for opening up company algorithms. In Jessica's case, the political processes move in steady within a capitalism vitalised by openness. The range between the rich and the poor is said to narrow at the same time as profit is generated. The same profit that historically has favoured companies with strongest profit extracting business models to outcompete weaker businesses, and therefore also the same logic that will benefit companies with enclosed business models on the expense of the ones with open business models.

The crucial question is if Jessica talks of a copylefted openness or if it is an openness that allows other companies to enclose the open algorithms? Jessica has never mentioned the last alternative, the closest thing to it being paywalls for otherwise open company data (see section 1.5.2.3), so it is not impossible that she latently is envisioning a copylefted openness that would be less contradictory when it comes to narrowing global social inequalities. Her statement's regarding a generalised copyleft (section 15.1.3) also points in this direction. But the empirical ground for this conclusion is not very strong as she did not know about the copyleft principle and license until the question appeared in the interview.

Ideologically her statements point to the same latent lacuna regarding the openness' context of class society's competition and capital accumulation as George's, Jim's and Richard's statements do, but there is an opening in her position for a consumer-protest in favour of open business models based on the copyleft license.

Marta stresses that "in a normal world" it would not be fine to sell harvested data to advertisers: "but like this is how we create money now" (Marta 47.25). Marta's ideological position straightforwardly accepts commercial enclosures like George does but in another way. She is more critical than George of capitalism and stresses that open data can empower civic society's social struggles. If Google needs to be opposed, she stresses that people, when they know more about how to use open data, will demand openness for solving crucial problems, rather than demanding an opening up of everything (Marta 47.25). She stresses that citizens do not have enough knowledge to know how "to fight these big groups" and what it means to fight them: "Like do we need to fight Google? ... Does government really know what to do with Google?" (Marta 47.25). In an age where open data is said to be the new oil of capitalism she understands OKN's mission as to: "help people to understand what, not only [what] they can do with the data, their own data, but also [what] they can do with other people's data (Marta 28.49).

This emphasis on empowering civic society puts openness in another political and ideological role that does not manifestly promise heaven and latently deliver more of the same social inequality. For Marta, "open data is a tool, it is not the whole" (Marta 18.59). Marta's openness is not used as an ideological vision to latently promote capitalist enclosures, but rather a pragmatic tool to promote social struggles against at least some capitalist enclosures and developments. Clear limits to the political reforms are put in place by her acceptance of enclosed capitalist private property



in crucial parts of the informational field as the way to make money for the moment. But even if her ideological position does not take into account the continuously growing social inequalities under capitalism, openness is used in a more contextualised and critical way by Marta, than by George and Richard. This position also resonates with her critique of net neutrality (see copyleft section) and indirectly of the unconditioned openness of the permissive licenses and their acceptance of commercial enclosures.

1.5.2.3 The future vision of the open society

George's case for an unconditioned openness in line with permissive licenses is built on notions of necessary enclosures when it comes to capitalist business models. The capitalist commodification is present also in his ideas regarding an ideally open society, but the commodity takes on partly new forms in the future (if the ideal society ever is reached). In the ideal society capitalism does not only depends on the commodification and profiting from open data and information within open business models without contradictions, but also, as it seems, the commodification of social life:

Two hundred years from now perhaps we will value more experiences, so what will be really important for us will be being with friends singing a song rather than having the original, perfectly recorded mastered version of that song in our earphones, so the social experience is something we would be ready to pay for more than the song, and in part this is already happening. I mean ... most already say, that if you are a musician, the only way for you to make a living is not to record stuff but to go live and do gigs. (George 51.18).

The virtuosic work in the presence of others that Virno calls the communism of capital (Virno 2004) is stressed as the solution within an unthreatened capitalism. The commodification of social experience is here seen as a preferable future and a foundation for a society based on open business models. The enclosure of social life, like in using entrance-fees for performances, is here explicitly stressed as a basis for open information in digitally mediated forms.

As we have seen Jim thinks the world would be better if a company like Facebook shared its data (except for privacy related information) and algorithms, but that he would not demand them they opened up their business models (Jim 7.23). Such claims are not part of "mainstream open ideas" (Jim 8.58). His understanding of openness is an unconditioned one. He even holds, as noted in the copyleft section, that CCo and the public domain is his ideal license (Jim 22.05), even if it only applies to companies in a utopian way, e.g. the world would be better off, and not in practice. This partial openness of an unconditioned character even builds up Jim's future vision.

His conscious de-politicisation of openness involves both an explicit acceptance of neo-liberalism, and an advocacy for "a non-neo-liberal oppressive socie-



ty”, albeit still capitalist society (Jim 26.57). Capitalism is thus favoured explicitly, but neo-liberalism is both accepted and not accepted with the help of an intrinsically good openness that stand aloof of historic society (Jim 26.57) (see section 1.5.2.2).

In answer to a straight question if open data in practice becomes like free labour and a gratuitous means of production for companies, that will increase social inequalities, Jim not only says that the playing field at least will be levelled, but actually says that to a certain extent it would be a good thing if companies got more things done from free labour and open data. The open data would give “people a higher platform on which to build... more advanced things more cheaply” and “that’s arguably what the capitalist system is about, creating value for things that people want” (Jim 30.27). He rounds off his argument by stating that if such a society can be created where value is more easily created for things that people want “with more free labour... then that is a good thing” (Jim 30.27).

His understanding of capitalism only focusses on the production of use-values and tones down the transactions around the exchange value that leads to growing social inequalities. This is a clear ideological support for capitalism that is congruent with his explicit advocacy for an unconditioned openness. An advocacy that both uses openness to tone down capitalist power relations and latently strengthening them, and thus also works against the open business models that he only pays a utopian interest in.

The sincerity of the gradual process of opening up companies’ data and algorithms could be questioned in Jim’s case. Openness for Jim is in practice the openness of the public domain or at its most the openness of the permissive licenses in a partial form applied to the state and civic society, and not to the companies and their business models. Statements of openness leading to a levelled playing field, openness being always good regardless of society, contrast with the right for companies to enclose open data and get competitive advantages using other actors’, including companies’, open data.

This vision negates and does not strive for an economy based on a generalised open business model. Openness intrinsic good character is proven true by focusing on the production of use-values instead of exchange values. Notions of an intrinsic good openness ideologically empowers the idea that capitalism serves the public’s needs more easily, beyond class divisions, and open data ideologically empowers the idea of an vitalised capitalism still based on enclosed business models but with cheaper means of production.

According to Richard the general idea of openness is to go beyond capitalism and socialism when it comes to information by using the state to raise money through taxes that is “distributed quite significantly”, but “not in a socialist model” characterized by “bureaucracy and command and control” that “tell you what to do”, instead the distribution will be done in a “market oriented way”: “So you [the state] raise money for example to make movies, music or medicines, and then you distribute it to entrepreneurs or researchers or creators in a way that is based to at least some extent on demand and usage” (Richard 31.16).



Richard's open business model will thus be based on a mixed economy, quite similar to Manuel Castell's idea of a facilitating state in a network society, a society that is still capitalist at its base (Castells, 2002). The state is dependent on taxes and is in continuation dependent on a capitalist value-production, that is vitalised by the open-businesses the state supports as they are also open for companies based on enclosed business models to exploit.

This looks quite like the old Californian ideology except for the anomaly of an active state, and it does not solve the problem that businesses with enclosed business models can prosper not only from the state's open data but also from the open data of open companies, and thus outcompete them.

Jessica thinks that open business models are good, because it is nice to know "what happens with information that we provide". Commercial use of open data is not necessarily a bad thing, there is a lot of information circulating and we need the help to find it, and this could be done quicker by companies: "rather than you spend your entire day looking for it" (Jessica 4.37). Profit is not a "dirty word" for her (Jessica 6.25), but she is not uncritical about companies. Algorithms are biased and the data "is not necessarily for our benefit", which is another reason for them to be open (Jessica 4.37).

She mentions a principle that she calls "the many minds principle", connecting it to the idea that someone else than you would probably know how to better use your data (Jessica 23.35). This argument connects to ideas of a revitalised capitalism with heightened competition building on others' ideas and creations. It is great if a company is open with the data it has harvested and compiled so that others "can build on top of that", but she stresses that it obviously would be necessary to "compensate the particular company who generated the data or who was able to compile [it]" (Jessica 21.55). Jessica is favourable of open business models but still thinks that other companies, the state and its agencies, as well as civic society, somehow should pay for the data that a company has harvested and compiled (Jessica 21.55). It is thus not an truly open business model, at least if the payment is not voluntary. She does not say anything about ads in this context.

This vagueness in her response to open business models concerning open datasets, transforms into a clearer position when it comes to the algorithmic and software level of these business models. (Jessica 23.35). Her clear-cut critique of biased algorithms implies that she opposes the business models of Google and Facebook for not being open; a position she admits, but as if she had not thought about it before, she adds that she then guesses that she is opposed to the business models of the two emblematic companies (Jessica 23.35).

But it is still unclear if the openness is an unconditioned or a conditioned one based on the copyleft license and she is not clear on what the benefits with opened up algorithms for companies like Google and Facebook would be (section 1.5.2.2). And if harvesting and compiling companies should be compensated for their data-sets, why should not companies be compensated for their algorithms? It is equally unclear how clients on the market could make this change come about, especially since antagonistic forms of struggle are explicitly excluded. Her critique of enclosed algorithms is



furthermore based in a concern for the public sphere. Jessica talks more of racism and xenophobia when criticising Google's page rank algorithm and its relation status quo (Jessica 28.01), than of the growing socio-economic inequalities that it contributes to. This gap between an ideal but diffusely open world and the present workings of capitalism leads to many contradictions and openness works in these statements ideologically to fundamentally whitewash capitalism with an improved public sphere at the same time as political economic questions and power relations concerning open business models are avoided.

Marta's position differs from George's and Richard's position in that she neither discusses the possibility of the state supporting really open business models as something beyond socialism and capitalism (and therefore as a way forward to a new form of economy), nor discusses open business models as a benchmark for an open capitalism in the future. Her vision of the open society is explicitly a partial vision. The not-opening up of everything (Marta 18.59; 28.49) means that enclosed private property in the field of information is accepted, but she also emphasizes that openness could strengthen civic society's demands and even empower social struggles (Marta 28.49). Following from this she does not latently promote, as George and Richard, a strengthened capitalism based on enclosed business models in the name of an explicitly advocated open business model. Instead her ideological position explicitly accepts open data being used to strengthen commercial enclosures for profit (as she does not see any alternatives to it), but without her liking it (Marta 14.27). She somehow smooths this conflict with the hope for partial return gifts in form of soft non-core open data from the companies (Marta 14.27; 18.59), but she also questions the success of the capitalist accumulation model around open data (Marta 14.27) and stresses social struggles (Marta 28.49) within an as it seems unchallenged capitalism.

1.6 Concluding summary and discussion

The study's findings will be summarised and briefly discussed in this concluding section.

The study started off with the copyleft license. It was shown that the Open Definition tones down the difference between so-called permissive licenses and the copyleft license, and makes the former the norm. The focus is on pragmatic interoperability whereas the copyleft license with its aim on building reciprocal commons exists in the margins of the definition. This marginal position highlights the enclosures of derivative works in the normal position, enclosures that in practice most often translates into being commercial enclosures. Thus, companies' right to enclose the openly licensed material here actually becomes ideologically the normal and mainstream understanding of openness, at the same time as openness is used to include its opposite the commons as also being open.

The ideological workings of the formal definition, that could be understood as OKN's boundary object (Bowker & Leigh Star 1999), are further clarified in the discussions with the informants. The copyleft license is first evaluated in terms of open and free. George thinks the license is a constraint that limits private property enclo-



sure and threatens capitalism. Copyleft's freedoms are less important than the freedom of private property and openness predominantly in the digital sphere is tied to necessary enclosures in the tangible sphere. It is enough that the original source is open. Jim more or less thinks the same. He has come around to Rufus Pollock's vision that "every type of information ... from every source that could be shared, should be shared", even if he did not include companies in the sharing before, but he still does not advocate for the copyleft license. The costs could be too steep and an open original source is enough. Richard makes the copyleft his personal favourite, but stresses the interoperability in front of the commons, prioritises the concept of openness rather than the concept of freedom in this context, whereas he later invokes the freedoms of speech to defend permissive licenses that only differ in their openness for subsequent enclosures. The freedom of choice in relation to private ownership's enclosures takes strength from the freedoms of speech and is isolated from socio-economic inequalities, and seen as a right and negative freedom in itself. Jessica on the other hand stresses the reciprocity. It is not a problem that the copyleft enforces openness in a mandatory way. She is morally grounded within a social universe and stresses that it is not fair that companies, that have not paid anything for it, should enclose information that is made openly available. Jessica's conditioned openness does not explicitly make an argument about effective power relations, but her statements of fairness imply notions of justice, that latently connects to ideas about the effective power to act. Marta thinks it is bad when opened up information is enclosed again, but she anyway accepts and want to stick to the hybrid Open Definition. She downplays the enclosures that the permissive licenses allow and prioritise a critique of net neutrality's unconditioned openness instead. She does not favour the copyleft license explicitly but wants to hold companies ethically responsible for their actions with the help of voluntarily opened up data that does not involve core business secrets.

The answers move from George's and Jim's explicitly capitalist friendly positions over Richard's central position, to more ambiguous positions Marta and the quite copyleft friendly position of Jessica. Jessica is also the only informant that is in favour of a generalised copyleft principle regarding all information in society. George, Richard and Jim is explicitly against such an idea. You cannot force openness upon anyone according to George and Richard. Jim raises the strongest critique against the copyleft principle for being against profit-making and makes it his mission to advocate against juxtaposing openness with anti-capitalist logics. Marta holds an ambivalent position where she advocates a partially and voluntary reciprocal model for the companies when it comes to non-core information for the business model.

A central ideological lacuna in the empirical material is that no informant problematise that these permissive licenses strengthen capital's accumulation cycle with open and gratuitous means of production, that in the end favours the capitals' that enclose the derivative works in relation to the ones using open business models. Openness is thus latently counter-acted, and the building of "robust commons" (Open Knowledge International 2017) could be questioned. Jessica's support for the copyleft



license stands out in this regard, but she also values capitalism positively when it comes to open business models.

George connects private property with a trans-historic basic human instinct and a pragmatic notion that enclosures is necessary to get things done. He stresses the need for an asymmetric distribution of information for capitalism and can only see an open business model working generally in the digital sphere after a voluntary process of at least 200 years. He also admits that companies with open business models will be disadvantaged in the competition, which contradicts the gradual evolution of the open business models in way that is not recognised. Jim stresses that big media companies like Google and Facebook have very closed business models and connects that with the large scale of the production. The openness Jim talks about in relation to open business models is an openness for companies to exploit rather than open business models. The process behind a potential open business model that is not certain at all will be of a natural and diffusing character. Richard thinks that it is difficult to get an open business model to work, and latently this could explain his defence for permissive licenses. His favouring of the state's role to finance open business models is explicitly explained by this difficulty, but still this does not address the ideological lacuna that open business models in the end strengthens companies with enclosed business models in the ongoing competition. Jessica does not really know what open business could be and what is implied by them. She believes in the possibility of a capitalism with an ethical profit-making that includes the reciprocity of the copyleft principle. But there exists a gap between the ideal world and the present in Jessica's statements. She explicitly does not know what would happen to capitalism if the algorithms were opened up. She believes in the consumers power to force big companies like Google and Facebook to open up their business models. The critique of them could go viral but should not at the same time be antagonistic in character. Interestingly there is a possibility, weak but still a possibility, that the openness she is talking about is a copylefted one. The gap between the moral utopia and the realism in Jessica's statements takes on a different ideological role in relation to capitalism's accumulation regime than Jim's more explicit support, George's less explicit support and Richard's latent support to the same.

Marta's statements stand out in this context. She is critical about both copylefted and unconditioned forms of openness, when it comes to business models. Especially the mandatory copyleft license seems to be problematic. But there is an ambiguity in her statements. Sometimes companies' use of other actor's open data seems to yield profits. This position both accepts and tones down the strengthening of companies built on enclosed business models. And from a birds-eye perspective she claims that "in a normal world" it would not be fine to sell harvested data to advertisers, even though she accepts that this is how money is created these days. Otherwise Marta's main focus is that open data is good for state's inner workings and that it could empower civic society and even social struggles within capitalist class society. Openness here plays a less ideologically utopian role than in the case of Jessica's statements, it also has an antagonistic character that is absent from all other informants' statements.



George, Jim and Richard all express, to various degrees and in various manifest forms as well as latent forms, support the idea that companies with enclosed business models should be able to enrich and grow stronger in the competition. This position also exists latently in Jessica's contradictory statements, whereas Marta both questions and accepts the accumulation regime, even if she thinks it is bad and wants to empower social struggles which could be aimed at unethical business behaviour or against capitalism's logic.

The study concludes with a section on the future vision of the open society. George explicitly states that it still will be a capitalist society and that commercial enclosures of social life with the help of pay-walls will finance the openness in the digital realm. Jim's states contradictory that he wants to have "a non-neo-liberal oppressive society" as well as he does not want to take neo-liberalism down. He thinks it would be a good thing if companies could get more things done from free labour and open data (gratuitous means of production). This focus on use-values and not exchange values uses openness as an intrinsic good to tone down the effects on capital's accumulation and class society's strengthening, and thus latently supports these processes against the open business model that he only pays a utopian interest for. Richard instead uses openness to erase the distinction between capitalism and socialism when it comes to information by involving the state and its tax revenue to finance open business models, but he stresses that this has to be implemented in a market oriented way. Castell's facilitating state in the network society comes to mind. But in the end this state is dependent on a capitalist value production that is vitalised by the open businesses that the state supports as they in the end empowers competing companies built on enclosed business models. The set-up looks quite like the old Californian ideology except for the anomaly of an active state.

Jessica connects to the fusing of disparate phenomena like capitalism and communism heralded by the Californian ideology: open businesses are transparent and more efficient, enclosed algorithms are biased and influence the public sphere negatively by supporting status quo in relation to for example racism and xenophobia, and they should therefore be opened up. Profit is at the same time not a dirty word and a capitalism where people could build businesses on top of open data would be great and revitalise the entrepreneurial drive, at the same time as companies would have to be compensated for opening up their business. This gap between an ideal but diffusely open world and the present workings of capitalism leads to many contradictions in her statements. Openness ideologically whitewashes capitalism with an improved public sphere at the same time as political economic questions and power relations concerning open business models are avoided.

Marta does not like Richard discuss the possibility of the state supporting truly open business models as something beyond socialism and capitalism (and therefore as a way forward to a new form of economy). Nor does she discuss, as George does, open business models as a benchmark for an open capitalism in the future. She does not like that capitalism is profiting from creating use-values from open data and free labour, as Jim does. Her vision of the open society is explicitly a partial vision: the not-opening up of everything. She accepts enclosed private property in the field of



information, but also emphasises openness' empowerment of social struggles rather than open business models that she explicitly, but to various degrees, questions.

Thus, Marta does not latently and ideologically promote, as George, Richard do and Jim do, the latter more explicitly, a strengthened capitalism based on enclosed business models in the name of an advocated open business model in the informational field. In the opening up of the state's information, in the state's financing of other actors' open information, and when voluntary companies fully or partially open up of their information, gratuitous resources are provided for companies with closed business models. The closed companies are strengthened in the competition with weak benchmark companies using open business models, dis-incentivising the latter ones. The open society that is explicitly longed for within OKN is thus counteracted on a deeper ideological level where a capitalism of commercial enclosures is supported. This is so because the negative freedom and right to an enclosed private property in the end is defended quite explicitly by George and Jim, more indirectly by Richard, and accepted but not liked by Marta. Jessica's forceful moral and quite republican argument in favour of reciprocity and the copyleft principle stands out in the empirical material, but takes on a rather weak and unclear form in other statements, and works in the end ideologically to promote a vitalised, open, but also utopian version of capitalism.

About the Author

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