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Apdo. 28 - 20560 OÑATI

Gipuzkoa – Euskadi España / Europa

WORKSHOP ON:

Alternative Property Practices

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Topic and themes

The western conceptualisation of property remains tied to the image of land; reinforcing, we suggest, a range of assumptions that are fast becoming questionable, if not irrelevant. Thus, the idea of property continues to be linked, as if by definition, to issues of scarcity, sovereignty, and tangibility. The trope of ‘private property’, expressed in narratives which privilege exclusive ‘ownership’ as central to our understanding of what property is, as a system for assigning and distributing value, remains firmly ‘in place’. The development of digital goods and services reminds us that, in fact, none of these presumptions can be taken fore-granted: indeed these developments serve to reveal that the apparently necessary (seemingly natural) foundations of property in the land-image are, necessarily, fabricated. However, we should not mistake digital property as being essentially new in this regard: older developments, concerned not only with copyright and intellectual property, but also with community based activities, such as co-operatives and mutuals, have long contested the land-image of property and all it is presumed to carry. This seminar will explore what property can and might be, once the land-image has been dispensed with as the ‘proper’ (only) grounding for ‘thinking’ (conceptualising) property. In doing so, it challenges ‘property theory’ by beginning with two sets of practices which we have associated with ‘alternative property practices’ - using them to explore the fabrication of property relations through the framing of ‘practices’, rather than the attribution of conceptual framings located in and through the land-image of property relations. Bringing together scholars experienced in the practices of alternative properties, along with theoretical researchers who draw on resources outside of the orthodox property theory framework, will allow us to examine the evidence that we need another approach for property thinking, as well as to explore the methods and concepts which may help us in developing an alternative approach: one which directly engages with, recognises and uses, the implications of ‘alternative property

practices'. Specifically, it includes papers from scholars and activists who have well-established histories in community based practices, including the co-operative movement, forms of mutualisation, community benefit companies, and social enterprises. The value of this work to the debate is that these initiatives have had to struggle, directly, with a lack of legal forms appropriate to property practices which go well beyond the image of an individual owner having property in a specific thing. It becomes apparent, through exploring this field of activism, that property is not merely generated by communities assigning value; but that community, value, and property come together in complex, and often contingent sets, assemblages, in which what is paramount is not a concern with an individual (or group of individuals) benefiting from their property, but that rather property holding is simply a necessary ancillary to a broader social aim or set of values. The narrowness of orthodox ideas of property are made quickly apparent as soon as the land-image of discrete owner/discrete thing is challenged, indeed, dispensed with. This is reinforced when we track a similar pattern taken by intellectual property scholarship, who have found that the traditional concepts of ownership are ill-suited not merely to intangible goods, but, even more obviously, to digital goods whose coding and reproducibility render the 'scarcity' justifications so central to orthodox property thinking completely irrelevant. The seminar will include, in this regard, presentations from those who have seen 'property' shift from ownership of a limited resource, to a question of access to an unlimited resource. As such, the seminar will examine not only the extent to which traditional ideas about property (which we have identified with the land-image) can be adapted to become applicable to such intangible resources, but what can happen when we meet a limit in adaptability. Interestingly, it has been in questions over certain forms of/for intellectual property that issues of alternative property forms and social justice have become very sharply visible in the academy, rather than in the 'rather older' field of co-operatives and analogous community initiatives, which have received very little recognition as being of scholarly interest and thereby of potential use for/in exploring issues of property relations and social justice. Recent interest in, and work on, commons, in both physical/material and digital/virtual dimensions, is vibrant and will be addressed, but we intend to go beyond the obvious 'modelling' of commons, in exploring how the strategic use of that model is facilitative in thinking property and value. Studies of alternative housing practices in Denmark, for example, alongside studies concerned with global positioning technologies, radically undermine many of our presumptive ideas about land, and what it means for us 'to be on the land'. Such research points to the fabrication of not only our relations with each other, but also the constructability of our sense of place, belonging, and community. New ways to conceptualise values and responsibility thereby become apparent, even if, in some cases, only fleetingly. In particular, we wish to consider how the processes of 'property-ing' - that is, the forging of the values and relationships which underpin property - are potential resources in their own right, and how this might enable both more creative and open communities, as well as providing new resources to be exploited and capitalised. In this sense, the seminar will also discuss how the coding of property is, in itself, also a potential property. Our proposal enables scholars from disparate fields (including law, copyright, economics, anthropology, and geography etc) to come together to explore shared concerns, and the potential in developing shared perspectives (methods, ideas and materials) to forge links productive of a broader, and more nuanced, understanding of property. It is unusual in that, in bringing together scholars and activists working in co-operatives and alternative socio-economic business models, with scholars working in intellectual property and digital media, it allows for an exploration of how both challenge the land-image of property, and how both, in relation to each other, offer alternative ways to explore and think property relations, not merely in relation to each set of practices, but for property thinking in general.

This seminar considers whether the time has come to cease placing 'ownership', especially as a concept, as central to, and necessary for, thinking and practicing 'property relations'. Equally, it challenges the presumption of the centrality of the private property trope to, and for, thinking 'property relations'. In the modern mix of complexity and diversity, a range of property practices evidence other potentials, and struggles towards new and emergent forms. This raises new potential for social justice concerns. The practices and ideas of 'participation' and 'access', for instance, seem, now, very relevant when considering both what property is, and how it can be utilised. Issues of control and exclusion, which characterised the ownership of land, have begun to give way to a more amorphous and modulatory image of 'ownership' - one that can be seen as much more conditional, temporary, limited, and tailored than the traditional accounts of property holding. It is this more fluid account which this seminar seeks to explore, and, one might even suggest, 'exploit', in a concern to re-activate property thinking (theory) through an engagement with the idea and evidence of 'alternative property practices'.

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