
Freedom and Sharing in the Global Network Society

COLIN LANKSHEAR

James Cook University and Central Queensland University, Australia

ABSTRACT This article focuses on some ideas from social and political philosophy concerning the ideal of freedom that may be useful for thinking about issues associated with the rise of network societies. The tendency for 'freedom' to mean very different things to different people has carried over to the context of thinking about issues associated with new technologies and network societies. This elasticity needs to be managed if 'freedom' is to do useful work in substantive debate about the issues that arise. This article considers three analytic tools that seem applicable to issues arising under the contemporary condition of network societies. They are, respectively, the 'opportunity-exercise' analysis of 'freedom', the 'positive-negative freedom' distinction, and the 'triadic relation' analysis of freedom. Each is discussed by reference to familiar current issues.

Introduction

This article focuses on some ideas from social and political philosophy that can be used for thinking about issues arising in the context of emergent and evolving network societies (Castells, 1996/2000). It has often been observed that the development of digital technology has greatly enhanced possibilities for creativity, innovation, and knowledge sharing, whilst simultaneously enlarging possibilities for control and for the emergence of divides within and among societies (Vaden, 2004). Under these conditions, questions of freedom and sharing assume particular significance.

The concept of freedom, however, is highly elastic. It can mean all things to all people. This is especially true when we think of freedom in relation to the contemporary information and communication revolution. If we are to understand what is at stake when particular assertions about freedom are made, however, and if we are to appeal convincingly to ideals of freedom in order to advance our claims and support our cases, we need to manage the elasticity of 'freedom'. It is important that we recognize the extent to which freedom is a contested concept – indeed, a contested ideal – that can be used to support positions and claims that are often in tension, or even incompatible.

There are many analytic 'tools' available for thinking conceptually and normatively about freedom. In this article I will address just three, each of which can be seen as a variation around the theme of 'negative' versus 'positive' conceptions of freedom. They are:

- The 'opportunity-exercise' (or 'formal-actual') analysis of 'freedom'
- Negative and positive freedom in the 'classical' sense of the distinction.
- The 'triadic relation' analysis of 'freedom'

The Opportunity-Exercise (or Formal-Actual) Analysis of Freedom

The opportunity-exercise analysis of freedom can be seen as distinguishing a *formal* freedom to pursue a desired end from an *actual* capacity to realize or to attain that end. This is similar to the distinction between an 'in principle' possibility and an 'in practice' realization. In principle (or formally), every person in São Paulo is free to eat three good meals per day. In practice, however,

many people lack the means to do so. In such cases it is often claimed that the person has a *formal* freedom to eat three good meals daily, but not an *actual* freedom to do so.

This is *one* version – a very straightforward one – of the distinction between negative and positive freedom. In the negative sense of being free to eat three good meals a day the point is that there is an *absence* of restrictions on doing so – the freedom is ‘negative’ because it consists in the absence of constraints like laws and physical impediments preventing people from eating three (or five or nine) times a day. The idea of positive freedom, by contrast, is associated with a *presence* rather than an absence – in this case, the presence of food on three occasions each day (the presence of the means for actually doing what one wants or chooses to do). The individual in the example is said to lack positive freedom because they cannot actually access food.

Another way of putting this is to say that restrictions or constraints can be of different kinds. In some cases we facilitate freedom by taking something away – for example, a law, a rule, that restricts someone from doing what they would do. In other cases, we can facilitate freedom only by putting something there that will not otherwise *be* there. In this sense, the distinction between negative and positive freedom corresponds to the distinction between ‘non interference’ rights and ‘welfare’ rights. The idea of ‘actual’ freedom or the ‘exercise’ sense of freedom has arisen because it has been recognized that simply removing forms of interference commonly associated with (negative/libertarian) freedom is not enough on its own to *enable*. It serves to draw attention to the fact that removing a certain range of constraints might actually produce very little benefit in the capacity of individuals and groups to satisfy their material wants. Removing certain discrimination laws, for example, may not advance substantially the material quality of life of many people formerly subject to those laws.

Whereas there is very little disagreement that the ‘opportunity’ (non-interference) concept of freedom is a legitimate concept of freedom (freedom as not being prevented, impeded, or constrained from doing what you want to do or will otherwise do), many theorists dispute the ‘exercise’ (actual or capacity) concept of freedom. They argue that ‘freedom’ only becomes an intelligible concept at the point where other people directly or indirectly (e.g. through laws) take steps to limit someone from doing what they want and are capable of doing should they choose to do it. Against this, proponents of ‘positive’/‘exercise’ freedom argue that the operation of social arrangements that keep people poor or weak, when there exist sufficient resources in the society for them to be *not* poor and *not* weak, *do* in fact amount to imposing constraints or impediments, and should be recognized as such.

It is important to recall that it makes no difference so far as limiting freedom is concerned whether an interference or impediment is justified or not. ‘Legitimate’ constraints limit freedom just as much as unfair or illegitimate ones do. Once agreement is reached about what constitutes constraints to freedom and how far we are prepared to accept the coherence of an ‘exercise’ concept of freedom as well as an ‘opportunity’ concept, the important debate concerns the moral/ethical/political/social legitimacy or justification of the constraints, and how to set about redressing constraints that are not justified or warranted.

‘Negative’ and ‘Positive’ Freedom as a Framework for Moral Goods

The roots of the ‘classical’ distinction between positive and negative forms of freedom can be traced historically back to the Greeks (Socrates, Plato), within the western philosophical tradition, and to St Paul, within the Christian tradition. Both traditions distinguished between a ‘higher’ or ‘true’ self and a ‘lower’ or ‘alien’ self. From this perspective, a person was said to be unfree when enslaved by their passions or desires. Conversely, they were free when they acted in accordance with the ‘laws’ or ‘dictates’ of their true or higher self (e.g. their reason, their soul, the will of God speaking within them, and so on). Variations of this idea derive from the metaphysics of free will, from some metaphysical doctrine of the soul as a person’s true self, from a rationalist metaphysic of what humans most ‘really’ are, and from ethical-moral theories of the origins of goodness and the nature of the good life.

Part of the meaning of *positive* freedom involves the idea that freedom is bound up with action and ways of being that are good from a moral, spiritual or metaphysical point of view. By contrast, *negative* freedom carries no such necessary connotations of moral or spiritual ‘rectitude’ or

propriety or of conformity to metaphysical concepts of a 'true', 'real' or 'higher' self. Similarly, positive freedom can be seen as a kind of *achievement*. It involves something more than simply following desires or whims in the absence of constraints. Positive freedom involves overriding the pushes and pulls of desires and fancies. It cannot simply be a matter of doing as we want, because what we want can be unworthy, trivial, or wrong. Often, we may not *want* to do what we think is right, or what we ought to do. It can be a hardship. We may have to overcome constraints to doing as we ought that arise from our wants, and positively determine ourselves to choose the right and proper course of action, and liberate ourselves from tendencies and forces that would steer us 'off course'. In doing so we obey our true will, we freely will ourselves to do the right thing, which will often be different from what we merely *want* to do.

On some accounts the ideal of positive freedom transcends the level of individual will and becomes the condition of entire political communities, such as when they consent to live under a social contract that conforms to some 'general will'. Individuals and groups experience positive freedom in sublimating their personal wills to the general will, since this will is the 'true' expression of their 'real' selves. This line of development of the ideal of positive freedom has been described by some theorists as the view that freedom is the 'right' to do as one *ought*. As such, it has been severely critiqued – during recent times most forcefully by Isaiah Berlin (1958/1969) – on the grounds that it leads directly to totalitarianism.

Recently, however, a renewed interest in the work of the nineteenth-century British philosopher T.H. Green has led to some interesting attempts to recuperate the declining stock of positive freedom (see, for example, Dimova-Cookson, 2001, 2003, 2004; Brink, 2003; Carter, 2003; Wempe, 2004). Part of the reason for this renewed interest in Green's work lies in the belief that neoliberal social and economic policies since the 1980s have increased the vulnerability of the least well-off groups in societies like our own – groups that were previously protected to an extent by welfare structures, labour unions, and the like. In this context, Green's ideal of positive freedom is seen as providing some kind of counterbalance to perceived risks associated with neoliberal policies and agendas – including themes associated with models of globalised development based on developments in digital technology. In the remainder of this section I want to outline Maria Dimova-Cookson's re-interpretation of Green's distinction between negative and positive freedom, since it provides what I think is a potentially fruitful standpoint from which to consider some concrete responses to issues and concerns associated with the rise of global network societies.

Dimova-Cookson argues that Green's account of positive and negative freedom rests on three important prior distinctions. These are the distinctions between:

- freedom in the 'personal realm' (i.e., freedom of the will) and freedom in the 'political realm';
- 'ordinary' action and 'moral' action; and
- 'juristic' freedom and 'true' freedom.

I will describe these in turn.

(a) *Freedom in the Personal Realm (Freedom of the Will) and Freedom in the Political Sphere*

When we talk about freedom in the personal realm, we are talking about an inner state that has to do with the quality of our voluntary action; of what we *will* ourselves to do. When we talk about freedom in the political realm we are talking about our 'willed' choices and actions in relation to other people within the public sphere, and in relation to the opportunities and resources available within the society for pursuing goods. Freedom within the personal realm is all about the nature and quality of the 'goods' or 'objects' of our will to act, in relation to our 'status' as 'conscious beings' and, more specifically, in relation to our status as ethical beings, or in relation to our 'moral' selves. This is what Dimova-Cookson (2004, p. 558) calls 'the moral psychology of freedom'. In Green's words, freedom in the personal sphere 'expresses a state of the soul, as distinct from a civil relation' (Green 1986a, p. 352 n. 1; Dimova Cookson, 2004, p. 558). In the political sphere, freedom expresses a 'civil relation' (Dimova Cookson, 2004, p. 558).

(b) Ordinary Action and Moral Action

Dimova-Cookson coins the distinction between ordinary and moral action to capture Green's ideas about moral development, the different kinds of 'goods' we can pursue, and the different descriptions under which people pursue goods (or objects of desire). In 'ordinary' action a person pursues something they want under that description. This may be something that benefits them and only them. It may be something that benefits them and others. Or it may be something that benefits them at the cost of benefits to others. In an ordinary action 'an agent pursues *her own good* – not necessarily to the exclusion of the good of others but not necessarily to its inclusion' (Dimova-Cookson 2003, p. 510, emphasis added). In 'moral' action, a person pursues goods under a different description that reflects an understanding that their personal good – what is good for them – is inherently bound up with the good of others. In moral action a person pursues a good 'in a 'self-disinterested' manner' and as 'good for others, as well as being good for the individual' (Dimova-Cookson, 2003, p. 513). Moral action, then,

involves a degree of self-mastery ... [an] overcoming of first order desires ... While 'the common characteristic of the good is that it satisfied some desire', the moral good is 'that which satisfies a desire of a moral agent'. For Green the moral good, which he also calls the true good, can be obtained when the agent sees his own good and the good of others as united. (Dimova-Cookson, 2003, p. 513. The references are to Green, 1890, pp. 178, 171)

(c) Juristic Freedom and True Freedom

In Green's theory this distinction applies to freedom in the personal realm, although it has direct significance to freedom in the public sphere – that is to say, for the distinction between 'negative' and 'positive' freedom. Juristic freedom refers to our power to act according to our preferences; the power to engage in 'ordinary action'. It is how human beings initially understand freedom – what Dimova-Cookson calls the 'primary' meaning of freedom. In Green's words, it is an expression of a person's 'assertion of himself against other men and against nature'. It is 'the first form of self-enjoyment ... of the self-conscious spirit' (Green, 1986a, pp. 121, 17-18).

By contrast, what Green calls 'true' freedom consists in the voluntary pursuit of moral action: 'in the pursuit of self-perfection, in the pursuit of something that the individual believes to be truly good and that will bring him permanent satisfaction' (Dimova-Cookson, 2003, p. 513). Moreover,

When the exercise of juristic freedom ceases to satisfy the individual, since it no longer brings her a feeling of self-fulfillment, she discovers a new kind of freedom that can be achieved in the process of self-improvement ... [P]ursuit of the moral good implies suspension of the pursuit of the ordinary good. As a moral agent I need to be prepared to deprive myself of something that I want only for myself for the purpose of obtaining something that is good in common to me and the others. The pursuit of 'true' freedom implies preparedness to limit our juristic freedom. Although they do not have to be, ordinary good and moral good, as well as juristic freedom and 'true' freedom, can be antagonistic to each other ... [W]ithout juristic freedom there could be no 'true' freedom. The exercise of juristic freedom is a necessary step in the process of building the character that enables you to exercise 'true' freedom. (Dimova-Cookson, 2003, pp. 513-516)

(d) 'Negative' and 'Positive' Freedom

These previous distinctions lead directly to Dimova-Cookson's interpretation of negative and positive freedom as distinct types of freedom within the political realm, as elaborated in Green's larger theory of freedom, citizenship and moral personhood. The particular relevance of this interpretation – which appears idiosyncratic when set alongside most contemporary statements of social and political freedom – is that it conceives agents of negative and positive freedom alike in relation to the unequal social distribution of material resources and opportunities.

The nub of the argument is that there is a symmetrical relationship between 'juristic' and 'true' freedom in the personal domain and 'negative' and 'positive' freedom in the political domain.

Overarching all of this is the distinction between 'ordinary' and 'moral' action. Dimova-Cookson captures the relationships diagrammatically, as shown in Figure 1.

	Ordinary Action	Moral Action
Political Context	Negative Freedom	Positive Freedom
Personal Context	Juristic Freedom	'True' Freedom

Figure 1. The meanings of freedom in the personal and political contexts (Dimova-Cookson, 2003, p. 511).

At the risk of oversimplification we can say that positive freedom is 'true' freedom in the political domain. When a person who enjoys what we might call 'surplus juristic freedom' wilfully acts in a way that puts some of that juristic freedom at the disposal of those who lack options, out of a concern for the larger welfare of the society, she can be said to experience positive freedom. In doing so she increases the possibility of 'juristic' freedom on the part of citizens who have less or 'inadequate' access to the kinds of resources that enable discretionary space to choose. Like 'true' freedom in the personal realm, 'positive freedom ... is based on a voluntary sacrifice of juristic freedom' (Dimova-Cookson 2003, p. 521). Positive freedom – doing as one wills within a societal context with a view to the betterment of that context – is achieved in contributing to the common social good.

An example from Green's own times and work may help clarify this version of the 'classical' distinction between negative and positive freedom. In the 1870s an Employers' Liability Act was passed in England whereby the state imposed limits to the conditions under which employers could hire workers. It made employers responsible for such things as paying at least a minimal wage, ensuring certain safety conditions, being liable for compensation for injury and so on. Representatives of employer interests argued that this was paternalistic and would rob workers of their freedom to do what they choose to do with their own beings and resources: that is, to decide whether they would sell their bodies for a certain rate of pay, take care of their own welfare, and so on.

Against this position, Green maintained that since many workers had no effective bargaining power, and were literally forced to work under whatever conditions were available in order to ward off starvation, they actually *had* no freedom to do what they would with their own beings and resources. Hence, the Liability Act was *not* denying them the chance to exercise juristic freedom – since they *had* no juristic freedom to exercise with respect to their conditions of employment. On the contrary, limiting the juristic freedom of employers to hire workers at baseline conditions would actually *help to establish* a small space of *juristic* freedom for workers. Within such contexts, employers who wilfully choose to limit their own juristic freedom to obtain labour for the lowest price they can thereby enact a freedom (positive freedom) that enlarges the space of juristic freedom in the public domain (which is 'negative' freedom). It increases the space in which others can do as they like. And in Green's (1986b) theory, experiencing the capacity to do as one likes is a necessary condition for becoming a moral agent in the first instance.

The demand for negative freedom is the demand for resource space to do some of what one likes. From the standpoint of the disadvantaged, the demand for negative freedom is for provisions that create a space for pursuing some 'ordinary' goods. When people have access to free education, health care, and social benefits their juristic freedom is enlarged and they have some power to do as they want. They are free from restrictions to pursue things they like. They are, in fact, free from interferences to exercising choice, but as *recipients* of moral goods (flowing from the moral action of those who enact positive freedom). This is what makes it a *negative* freedom. It is a freedom that is received rather than produced; that flows into a vacuum rather than actively making space. Those who enact positive freedom are *producers* of moral goods. Only those who have the capacity to produce moral goods from their 'surplus' of resources can experience positive freedom. Those whose means are limited may nonetheless express demands for redistribution of resources that will provide for them a space of negative freedom.

Whether we are agents of positive or of negative freedom, we are dealing very much with the same issue: we are demonstrating awareness about the unequal distribution of resources

in a society and the belief that this could be mended by some form of redistribution. Negative freedom is about people's increased self-confidence in demanding what they believe is their due ... [It] is not simply about doing as you like but about *your entitlement* to do as you like (Dimova-Cookson 2003, pp. 524-525, emphasis added; see also Green, 1986b)

Freedom as a 'Triadic Relation'

At the height of the debates between proponents of negative and positive freedom over which kind of freedom was more coherent, more properly regarded as freedom, or more important, Gerald MacCallum (1967) advanced the thesis that freedom is best understood as a single concept, upon which the various renditions of positive and negative freedom, freedom as opportunity and freedom as exercise, freedom as inner state and freedom as external condition, and so on, converge. MacCallum proposed that freedom is best understood as a relational term that always necessarily (whether implicitly or explicitly) involves three variables. If values for all three variables are not apparent in particular freedom claims then these claims are elliptical, and the claimants should be invited to elucidate the values they assign to each variable.

According to MacCallum, freedom is capable of endless interpretations and appropriations so long as proponents can elucidate a 'subject' variable, a 'constraint' variable and an outcome or achievement variable. That is, coherent statements about freedom identify *someone* (or some group or social entity) who/which is free from some kind of *limiting or preventing condition* to *do or be or become something*. Hence, all freedom is simultaneously freedom *from* and freedom *to* – which is how negative freedom and positive freedom, respectively, have often been depicted. Any assertion that can provide meaningful values for these three variables is, to that extent, a coherent or intelligible assertion about freedom (or lack of freedom). Beyond the level of *coherence*, debates about freedom are about *values* and *substantive* matters, not about the concept of freedom. Hence, for example, debate about whether lack of access to resources of the kind involved in ascriptions of welfare rights constitutes a *constraint to freedom* involves differences of opinion over the extension of the 'constraint' variable. According to some people the constraint variable should be confined to conditions that restrict people from exploiting means that they have available for pursuing actual or possible desires/goods. For others, however, constraints should be seen also to include the absence of resources that reflect uneven distributions resulting from existing social arrangements.

In summary, freedom as a triadic relation takes the form shown in Table I.

A	is free from	to do, become, etc, Y
(an agent; whether individual or collective)	(some impediment or limiting condition or coercive force)	(something one actually wants or might want to do, be, or become, avoid, etc.)

Table 1. Freedom as a 'triadic relation'.

Applying the Analytic 'Tools' to Concrete Cases

How might these analytic tools assist in thinking about research and policy directions and emphases intended to ameliorate the wide gaps characteristic of information societies in their current forms? How, if at all, might they be useful in helping us to sharpen ideals of 'societal participation', or 'collaboration in technology development', that are central to discussions concerned with addressing digital divides?

(i) Freedom from Interference to Constitutional Liberties: the EFF

If we take the concept of 'societal participation' in a fairly open sense, to mean participating in the kinds of relationships, practices, and involvements that society makes available, then the range of concerns pertaining to network societies quickly blows out to form a very long list. Consider, for example, just those concerns addressed by the Electronic Frontier Foundation (EFF) (<http://www.eff.org>). The EFF is concerned with interferences in the realm of contemporary media to individual liberties that are supposed to be guaranteed by the US Constitution. At the

present time the EFF's list of concerns comprises: Anonymity, Broadcast Flag, Biometrics, CALEA, CAPPs II, Censorship, Copyright Law, Digital Rights Management, DMCA, Domain names, E-voting, File-sharing, Filtering, FTAA, Intellectual Property, International, Internet governance, ISP legalities, Licensing/UCITA, Linking, Patents, Pending legislation, Privacy, Public records/FOIA, Reverse engineering, RFID, Spam, States, Surveillance, USA PATRIOT Act, Wireless, WIPO (www.eff.org).

This list is at most a tiny subset of the diverse issues and concerns that coalesce around the concept of freedom in relation to participation in network societies. It is, in fact, confined to a small subset of 'opportunity' freedoms – that is, freedoms in the sense of not being subject to various kinds of legal interferences to freedom of speech, information, and the like. The 'broadcast flag' issue offers an illustrative case in point – a case that has global significance on account of the fact that multinational capitalist corporate culture permeates the current form of 'the network society' on the national as well as on the global scale.

The 'broadcast flag' issue concerns the current transition from analogue to digital TV broadcasting. In the US film industry interests threatened to delay the transition from analogue to digital by saying they would withhold 'high-value content' from over-the-air digital TV unless the Federal Communications Commission (FCC) imposed 'content protection' measures (Digital Rights Management) on all future televisions and associated devices. Under such an arrangement content owners would insert a 'broadcast flag' into digital TV programming, so that when devices detect the flag they 'protect' the programming. In 2004 the FCC imposed an order establishing that the 'broadcast flag' would come into effect in July 2005. Under these conditions, from July 2005 it would have been illegal in the United States for digital TV tuners to be manufactured or imported unless they are equipped with FCC-mandated digital rights management technologies (<http://www.eff.org/IP/Video/HDTV/>). As the EFF advised consumers at the time, this meant that 'whether you get your DTV over-the-air, from cable, or from satellite [you'd] soon have DRM that interferes with your ability to do perfectly lawful things with DTV programming' (see the entry for The Broadcast Flag and 'Plug and Play' at <http://www.avforum.com/avs-vb/archive/index.php/t-373490-p-3.html>). The EFF informed users that if they purchased a digital TV tuner card prior to July 2005 they would retain the legal right to make digital recordings and copies of network TV programs, although not of cable and satellite TV programming. After that date all content would fall under the protection of the flag.[1]

Obviously, all kinds of issues and counter issues, arguments and counter arguments can arise here. In order to ascertain what kinds of considerations, policy deliberations and research activity might be pertinent, it may be useful to consider the broadcast flag example in terms of the possible values that might be provided respectively for the Agent, Constraint and Outcome variables of the 'triadic relation' analysis of freedom. The kinds of inflections that might be given to different explications of the three variables may help clarify issues that serious concern for participation, sustainability, access and the like should at least have to take into account.

For example, if A is someone who has a subscription to a TV service but whose commitments preclude viewing programmes of interest at conflicting times, any impediment to recording content for viewing at a convenient time would constrain A's freedom to access content to which s/he has subscribed. (A is constrained by DRM from exercising her subscription such that in her available leisure time she can enjoy entertainment she has actually paid for.)

On the other hand, A might be a teacher (or a school, or a school department) who tries to maximise pupil engagement in curriculum by building popular cultural content copied from TV as excerpted 'critical incidents' into learning resources for class discussion. This might be part of a school approach to conserving scarce budget resources in the area of curriculum resources so that they can be used to help maintain the school's computing network. Relaxing the DRM measures might enlarge A's (the teacher's/department's/school's) freedom from technical barriers to recording material within fair usage bounds to use in attempts to create engaging curriculum resources and learning activities.

By contrast, the copyright holders (Agent) might complete the schema along the lines of being free from copying activities by individual subscribers (Constraint) to preserve their economic viability by maximising potential sales of the original product (Outcome). Laying the case out in this way might open debate up to a range of empirical considerations relevant to arguments

advanced by or on behalf of 'owners' for giving them power to limit how publics use information. For example, in his article 'Free Software and Beyond', Richard Stallman says:

Owners say that they suffer 'harm' or 'economic loss' when users copy programs themselves. But the copying has no direct effect on the owner, and it harms no one. The owner can lose only if the person who made the copy would otherwise have paid for one from the owner. A little thought shows that most such people would not have bought copies. Yet the owners compute their 'losses' as if each and every one would have bought a copy. That is exaggeration – to put it kindly. (Stallman, 1998a)

The empirical accuracy of Stallman's judgment is an open question, since he appeals to no more than 'a little thought' to 'show' its veracity. It is, however, a claim that begs empirical scrutiny, and Stallman would doubtless welcome such scrutiny. Whether or not the owners would welcome it, however, is another question.

(ii) *Learning Management and Pedagogical Constraint*

During the past five years proprietary software 'learning management systems' such as *Blackboard* and *WebCT* have become standard environments for online courses and course components within universities in many countries around the world. In some countries, such as Australia, they are practically ubiquitous. In many – although not all – universities that have 'bought into' learning management systems, some degree of coercion (or 'encouragement') is applied to academic staff to integrate use of online environments into their teaching, and to use only the particular learning management system that the university has adopted as its 'standard'. Increasingly, 'encouragement' is evolving into 'requirement'. Furthermore, where institutions have adopted such learning management systems, they effectively restrict teachers to using only such applications as are permitted by the proprietary owners of the software to be embedded within their learning management system. Even though these learning management systems are costly, university administrations are largely favourable to them because they can facilitate a range of 'efficiencies' and, up to a point, provide a ready means for managing teaching activity. The semi-automated nature of the software environment can 'deliver' 'economies' of time, and technical support and assistance can be standardised.

Use of learning management systems is still in its early stages and it is not possible to predict the kinds of issues that may emerge in time. At present many teachers find the systems to be a convenient *adjunct* to their work where they are still teaching conventional face-to-face courses. This might change, however, if university requirements move toward intensified online 'delivery' with less (or negligible) face-to-face teaching. Under such conditions some/many teachers might experience working within prescribed online environments that are circumscribed by proprietary learning management systems as a powerful and unacceptable constraint.

From the standpoint of freedom to teach (or learn) as one does best, or preferably, and to have space and opportunities to grow as teachers and learners, intensified use of learning management systems may generate diverse issues, and diverse ways of cashing out freedom in 'opportunity-exercise' terms or, alternatively, as a triadic relation. For example:

- Imposition of standardised learning management systems may deny teachers the opportunity to have significant input into the design of the software environments in which to conduct their work as teachers;
- Use of standardised learning management systems may constrain the opportunities academics have to develop proficiency in a range of media that could be put to productive use in teaching and learning activities (including to participate in open source product initiatives, collaborative experimental software design, and so on);
- Use of standardised learning management systems may constrain the opportunities academics have to imagine pedagogical possibilities that might result from their experimentation with resources/media such as weblogs, wikis, voice over IP, graphic chat spaces, games, ipods, mobile phones, and so on;

- Use of standardised learning management systems may constrain the opportunities learners have to engage in learning activities mediated by cultural artifacts resonant with their experiences and preferences;
- Use of standardised learning management systems may constrain the spaces university departments have to develop, support and implement solutions that reflect their character/ethos and so on;
- Buying into proprietary software solutions constrains a university's options for developing, supporting and implementing solutions that it might (otherwise) prefer.

Here and elsewhere it is important to note that freedom should not be understood simply in terms of what people *actually* want at a point in time. Rather, it should be understood in terms of what they *might plausibly* want. Many teachers with no previous interest in, or even knowledge of, various computing applications have subsequently become deeply interested in them as a consequence of some contingency occurring in their lives (e.g. parenthood, being challenged by a student or a colleague, moving into a new job, and so on). Given the rapidity of change and the uncertainty of our times, keeping technology options as open as possible should be an institutional *default* position so far as preserving academic freedom is concerned.

(iii) *Freedom from Offence: intellectual property and different cultural 'ways'*

Michael Seadle (2002) identifies and discusses a 'soft side' to copyright that is concerned with matters beyond what will simply hold up in court with respect to the creation and use of intellectual property. He notes that within almost all legal jurisdictions in the contemporary world there exist diverse indigenous and/or new migrant cultures. Consequently, within and across jurisdictions monolithic legal codes pertaining to intellectual property are presumed to apply equally to multiple or diverse cultural groupings. Taking the USA as a single case, Seadle notes that for the 2 million Native Americans (affiliated with 116 different tribes) and 28 million foreign-born residents, 'Title 17 of the US Code is supposed to serve as the final, official social contract on copyright. It is the law, and it does not recognize local variants among communities' (Seadle, 2002, n.p.). He argues that it is becoming increasingly necessary for researchers to pursue 'access to the conceptual world' of other cultural groups so that discussion can take place that deals as well as possible with the potential tensions between the desire of social scientists for 'intellectual goods' and the right of informants to 'appropriate cultural respect'.

There is not space to go into Seadle's argument in any detail here, and it is important to note that he does not address his concerns using the language of 'freedom' per se. Nonetheless, some of the most important dimensions of the issues at stake are appropriately addressed in terms of freedom.

Briefly, Seadle looks at three factors central to the issues around copyright. These are *Law* (under which he includes the ethical codes of professions), *Technology* (where he emphasises the way digital technologies have engendered new issues, and are often treated differently under copyright law from other recording and publishing media), and *Permissions*. After addressing aspects of the legal issues around copyright that may arise, with particular emphasis on publishing data and works of the Web), Seadle identifies some of the ways new digital technologies would impact on well-known excerpts in Levi-Strauss's *Tristes Tropiques*, Geertz's *The Interpretation of Cultures*, and Kluckhohn & Leighton's *The Navaho*.

The following extract from Seadle's discussion of permissions illustrates some of the points at which issues of freedom arise.

Because of all the implicit assumptions of which neither side may be completely aware, cross-cultural permissions are problematic. Can a community that has little or no direct experience with digital video and the Internet give a meaningful permission that allows researchers to record them and publish the interview on their personal home pages? Probably not. They may just not care, and the bottom line with US copyright law is that the rights owner must object before any legal action can be taken to prevent infringement. Although deliberate and repeated violation can be expensive, thus far most Web publication cases do not go beyond a letter-of-objection and the removal of the offending copy. Such copyright risk-taking appears pragmatic in the short term, but any de facto violation of US

copyright law could also have strong potential for violating the intellectual property customs of a less individualistic community.

Some anthropologists recommend getting informants to give a verbal permission at the beginning of each recording. This excellent practice protects researchers from violations of US law and should certainly be encouraged. Whether such permission is meaningful in the informant's conceptual world may not be immediately clear to the researcher. And what to do after finding out that the persons giving permission did not, in their own society, have the right to do so, remains an issue that researchers must come to term with on their own. (Seadle, 2002, n.p.)

Obviously, there are all sorts of ethical, legal, and political concepts besides 'freedom' that can be used to articulate and to focus issues in this area. Freedom, however, is certainly a leading contender. And the range of different facets it can be used to clarify is quite wide, as we can see if we apply MacCallum's schema – A is free from X to do, etc. Y – to the passage cited above. For example:

- A researcher is constrained by the fact that her informant did not have the power to convey permission from publishing a paper that would advance her career significantly
- A cultural group is constrained from protecting sensitive information by the fact that a person entitled to do so gave permission to a researcher to publish his (the informant's) account of certain facts
- A research community is prevented from being able to use a rich data set by the decision of one of its members to take cultural sensitivity issues so seriously as to recognise that 'meaningful permission' had not been obtained for its use and to withdraw the data set.

(iv) Freedom as 'Free' and 'Open': ethics and efficiency

The ambiguity of freedom that often lies beneath surface-level talk becomes apparent when we look at the issue of free software and collaborative software development. Interestingly, one line of exploration leads reasonably directly to ideas and issues related to positive freedom as described above. This involves the differences within the Linux community between the 'Free Software' movement represented by the GNU project spearheaded by Richard Stallman and the Open Source Initiative that coalesces around the 'Open Source Definition' provided by Bruce Perens (2005). Once again, space limits preclude opening this issue up in the depth it deserves. Fortunately, public spokespersons for both positions seem agreed on what the key differences are. Hence, it is possible to gloss the perspectives with minimal risk of distortion.

'Free software' and 'open source' are united in their opposition to software being proprietary. They differ, however, in their underlying premises – to the point of representing a different ethos from one another – and in their strategic and tactical approaches. Thus, according to *The Official Guide to Slackware Linux* (see Chapter 1 at <http://www.slackbook.org/#book>),

the Free Software movement ... is working toward the goal of making all software free of intellectual property restrictions, which it believes hamper technical improvement and work against the good of the community. The Open Source movement is working toward most of the same goals, but takes a more 'pragmatic' approach to them, preferring to base its arguments on the economic and technical merits of making source code freely available, rather than the moral and ethical principles that drive the Free Software Movement.

At one level the issues of freedom surrounding the open source/free software movement (and bridging its two sub-movements) can be represented in terms of freedom as *opportunity* (removal of legal restrictions to do with intellectual property/copyright, making source code available for modification, and so on). The issue of freedom here is about challenging legal constraints that limit options for software users and developers.

Similarly, if we use the triadic relation analysis of 'freedom' we would find that to a large extent the three variables can be 'cashed out' in ways that would be agreeable to both the 'free software' and 'open source' arms of the movement.

- Users are free from copyright constraints to make copies to share with friends
- Developers are free from code closure to modify programs in search of continual improvement

Others who are more familiar with the history and concerns of this community will be able to provide diverse renditions of the three variables that would bridge the differences within the Linux community.

When we look more closely at the Free Software Movement specifically, however, we find concepts and arguments that support extensions of the variables in the freedom triad that are not available from the perspective of the Open Source Initiative. A brief excerpt from Richard Stallman's writings will serve to make the present point.

In this excerpt Stallman is responding to the argument that having owners of software is important and good because it leads to production of more software. He accepts that the argument is based on the valid goal of satisfying software users, and says it is true that people are likely to produce more of something if they are paid well for doing so. However, he argues that the position has a flaw (which, incidentally, explains why for the Free Software Movement it is not a necessary part of the meaning of 'free software' that it not cost anything and may, in fact, be sold without contradiction). Stallman (1998a, n.p.) says:

[T]he economic argument has a flaw: it is based on the assumption that the difference is only a matter of how much money we have to pay. It assumes that 'production of software' is what we want, whether the software has owners or not.

People readily accept this assumption because it accords with our experiences with material objects. Consider a sandwich, for instance. You might well be able to get an equivalent sandwich either free or for a price. If so, the amount you pay is the only difference. Whether or not you have to buy it, the sandwich has the same taste, the same nutritional value, and in either case you can only eat it once. Whether you get the sandwich from an owner or not cannot directly affect anything but the amount of money you have afterwards.

This is true for any kind of material object – whether or not it has an owner does not directly affect what it is, or what you can do with it if you acquire it.

But if a program has an owner, this very much affects what it is, and what you can do with a copy if you buy one. The difference is not just a matter of money. The system of owners of software encourages software owners to produce something – but not what society really needs. And it causes intangible ethical pollution that affects us all.

What does society need? It needs information that is truly available to its citizens –for example, programs that people can read, fix, adapt, and improve, not just operate. But what software owners typically deliver is a black box that we can't study or change.

Society also needs freedom. When a program has an owner, the users lose freedom to control part of their own lives.

And above all society needs to encourage the spirit of voluntary cooperation in its citizens. When software owners tell us that helping our neighbors in a natural way is 'piracy', they pollute our society's civic spirit.

... As a computer user today, you may find yourself using a proprietary (18k characters) program. If your friend asks to make a copy, it would be wrong to refuse. Cooperation is more important than copyright. But underground, closet cooperation does not make for a good society. A person should aspire to live an upright life openly with pride, and this means saying 'No' to proprietary software.

You deserve to be able to cooperate openly and freely with other people who use software. You deserve to be able to learn how the software works, and to teach your students with it. You deserve to be able to hire your favorite programmer to fix it when it breaks.

This, I would argue, approximates to ideas addressed in Dimova-Cookson's interpretation of T.H. Green's positive freedom. Undoubtedly, purchasers of software differ from those hard-pressed workers whose 'freedom' to work for minimal subsistence wages and in dangerous conditions without recourse to compensation Green repudiated. (For a start, anybody seeking software enjoys above subsistence level material resources.) At the same time, however, most software purchasers have little or no 'discretionary space' so far as options for obtaining software are concerned – they are effectively *hostaged* to proprietary software for lack of knowledge, experience, confidence, proficiency and so on, to seek alternatives or even to know that alternatives exist. Moreover, much

proprietary software is horrendously expensive. Consequently, users are hostages to the price that goes along with the proprietary product. Without discretionary space – juristic freedom – potential users may be forced to go without or to break the law

Stallman envisages a computing world in which people who have expertise and resources and who want to share these should be able to do so as ‘the default mode’ rather than as a risk or as a marginalised practice. This, he believes, will support the development of collaborative and sharing behaviour more generally – which is to say, behaviour conducive to the development of a world that is morally superior to the one we inhabit. It seems not unreasonable to think of those who wilfully put their expertise and intellectual production at the disposal of those whose options are constrained, rather than asserting their intellectual proprietary control and demanding the price attached to their brand or registered trademark, as *producing moral goods*, which others receive as *ordinary goods*. Where ‘the masses’ of software users gain the confidence to demand free-open source software as a negative freedom we have a version of the kind of entitlement demand that Dimova-Cookson describes. Stallman’s ‘deserve’ refrain in the final paragraph of the excerpt cited above speaks out of an ethical discourse of entitlement that resonates with Dimova-Cookson’s position.

(v) Freedom to Access Information for Local Development: the Jhai Foundation Rural IT Network in Laos

The Jhai Foundation (<http://www.jhai.org>) is a voluntary organisation operating in Laos. It has a Board of Directors, is committed to a reconciliation model of development, and conducts its work with a high ratio of volunteer workers – ranging from local children to Laotian and international experts. It emerged as a response to the ravages of the bombing of Laos during the Vietnam War period, during which some of the current participants were positioned as bombers and bombed respectively.

We like self-help. We insist on sustainability. We design for impact. We are most interested in relationships. We are demonstrating how, after such a devastating war, people from opposite sides can reconcile by working side-by-side. We call this the reconciliation process of development. (<http://www.jhai.org/>)

The Foundation undertakes projects concerned with economic development, education, coffee and information technology (see Anderson, 2005). Participants are evenly distributed among Laotian locals, Lao-Americans, military veterans, and volunteers from anywhere in the world. All projects grow out of negotiations around needs expressed by local villagers. One such project is the Jhai PC and Communication system.

Farmers in Ban Phon Kam and nearby villages are now able to grow surpluses of rice and other crops ... To profit on their surplus, however, they need accurate and timely information about pricing in the market town of Phon Hong and the capital, Vientiane.

The expert women weavers in the villages have begun the use of natural dyes and would like to weave textiles for export. They hope to find partners among expatriate Lao who will help them market their weavings and receive reasonable returns.

(http://www.jhai.org/jhai_remoteIT.htm)

These needs have generated a project designed for local conditions, which include no electricity, no telephone lines, torrential rains and high temperatures, thick dust, a high incidence of minimal literacy, and non-English-speaking local populations. The project has three components.

- A purpose-developed robust computer and printer that can survive the environmental conditions, draw minimal power that can be provided by pedal-powered generators supported by solar power, and are built from off-the-shelf components.
- An 802.11b protocol wireless LAN connecting 5 villages using relay stations on the hills, a solar-powered repeater station, and a local ISP in a larger centre.
- A Lao-language version of the free Linux-based KDE desktop and office tools in Lao (http://www.jhai.org/jhai_remoteIT.htm; also Anderson, 2005).

Villagers using the communications centre will be able to make national and international telephone calls using voice-over-IP, as well as use desktop and Internet applications for accounting,

letter-writing, email and other business and educational purposes. Children and youth in the villages will undertake technology and small enterprise training. Some of these will join the project as Youth IT Entrepreneurs, and after training will support the adults in learning and using the technologies and in business operations.

Because of the need for sustainability, extreme cost-effectiveness, and durability and robustness, the project has called for access to high-level technical expertise on a voluntary and low-budget basis. The goals and potential advantages are high. According to the Chair of the Foundation:

right now, the villagers have no way of telling what the market is in the big towns they sell their stuff to, telling what the weather report is for their crops, things like that. This will absolutely change that. Plus, they will be able to talk to relatives in America some of them haven't seen in decades. (Thorn, <http://www.sfgate.com/cgi-bin/article.cgi?file=/chronicle/archive/2003/01/17/MN86676.DTL> n.p.)

To date these goals have been achieved in the trial village, and plans are currently under way to extend the program to four other Laotian villages as well as in international sites (Anderson, 2005, p. 36).

I find this example particularly interesting in relation to freedom and sharing in the global network society. On the level of information technologies and societal participation, we have a case of modest access to appropriate technologies being integrated into pursuit of more effective economic performance at the level of the village by helping to alleviate constraints such as lack of relevant information (current commodity prices, important weather information), minimal networks for marketing products in potentially lucrative markets, low levels of business-related knowledge and 'finesse' of the kinds that command respect and attention in the world of enterprise, and so on. At this level the freedom variables could be elaborated in ways such as the following:

- Village producers are free from lack of weather (or horticultural, scientific) information to maximize their crop productivity.
- Village producers are free from inadequate information about prices, markets, etc., to maximize the economic returns on their commodity production.
- Village producers are free from lack of potentially useful networks to pursue the development of marketing and distribution channels for accessing economically viable (or lucrative) markets.
- Local youth are free from constraints to obtaining knowledge and skills that will prepare them to participate in the development of enterprises rather than to be unemployed.

Interestingly, there seems to be less scope here than might be anticipated to think in terms of negative and positive freedom along the lines elaborated by Dimova-Cookson. This is because the model of development that defines the Jhai Foundation's work is conceived in terms of *reconciliation*. Projects enact reciprocity, address mutual needs, and seek to resolve the past in ways that generate a morally and materially richer future for *all* parties than could otherwise have been the case. This is about negotiated and respectful *sharing* of resources – given that trust and forgiveness, understanding and compassion are resources for living well, every bit as much as are resources of expertise and infrastructure. People can only share what is already *theirs* to share. On this definition, the 'owner' of a machine and of a copy of proprietary software can share the use of their computer, but they cannot, strictly speaking, *share* the software to the extent of giving someone a copy, because a 'copy' is not *theirs* to give. By contrast, every person who in any way and to any degree had at any time been involved in the development of the Linux base for the computer was, by the very social relations of its collaborative production, brought, wittingly or unwittingly, into moral relationship with the work of the Jhai Foundation and the lives of its members and those they live and work with.

Conclusion

This article is at best preliminary. I would not claim that the analytic work attempted in this article on behalf of 'freedom talk' in relation to issues and concerns associated with the emergence of network societies is adequate, or even robust. This is especially so with respect to applying the ideal of positive freedom developed by T.H. Green as re-interpreted by Dimova-Cookson to the world of

proprietary software and intellectual property rights. I would, however, claim that anyone who can do well the kind of work this article has tried to undertake will be making a genuine contribution to the development of worthwhile policy options and models for bridging digital divides.

Note

- [1] As events transpired, on 6 May 2005 the U.S. Appeals Court for the D.C. Circuit threw out the Federal Communications Commission's order establishing the broadcast flag. According to an online report sourced at the Public Knowledge website <http://www.publicknowledge.org/issues/bfcase>, 'The decision came in a case brought by Public Knowledge, Consumers Union, the Consumer Federation of America, Electronic Frontier Foundation, the American Library Association, Association of Research Libraries, American Association of Law Libraries, Medical Library association and Special Libraries Association.' The decision can be found at <http://www.publicknowledge.org/pdf/bfcase-decision-20050506.pdf>.

References

- Anderson, N. (2005) Building Digital Capacities in Remote Communities within Developing Countries, in D. Kamalavijayan & H. Parekh (Eds) *Proceedings of the International Conference on Information Management*, pp. 33-42. Mumbai: Allied Publishers.
- Berlin, I. (1958/1969) *Four Essays on Liberty*. Oxford: Oxford University Press.
- Blau, A. (2004) Against Positive and Negative Freedom, *Political Theory*, 32(4), pp. 547-553. <http://dx.doi.org/10.1177/0090591704265520>
- Brink, D. (2003) *Perfectionism and the Common Good: themes in the philosophy of T.H. Green*. Oxford: Oxford University Press.
- Carter, M. (2003) *T.H. Green and the Development of Ethical Socialism*. Exeter: Imprint Academic.
- Castells, M. (1996/2000) *The Rise of the Network Society*. Oxford: Blackwell.
- Dimova-Cookson, M. (2001) *T.H. Green's Moral and Political Philosophy: a phenomenological perspective*. Basingstoke: Palgrave.
- Dimova-Cookson, M. (2003) A New Scheme of Positive and Negative Freedom: reconstructing T.H. Green on freedom, *Political Theory* 31(4), pp. 508-532. <http://dx.doi.org/10.1177/0090591703254386>
- Dimova-Cookson, M. (2004) Conceptual Clarity, Freedom, and Normative Ideas: reply to Blau, *Political Theory*, 32(4), pp. 554-562. <http://dx.doi.org/10.1177/0090591704266147>
- Green, T.H. (1890) *Prolegomena to Ethics*, Book 3. Oxford: Clarendon Press.
- Green, T.H. (1986a) On the Different Senses of 'Freedom' as Applied to Will and to the Moral Progress of Man, in Paul Harris & John Morrow (Eds) *Lectures on the Principles of Political Obligation and Other Writings*. Cambridge: Cambridge University Press.
- Green, T.H. (1986b) Lecture on 'Liberal Legislation and Freedom of Contract', in Paul Harris & John Morrow (Eds) *Lectures on the Principles of Political Obligation and Other Writings*, pp. 194-212. Cambridge: Cambridge University Press.
- Hamilton, E. & Feenberg, A. (2005) The Technical Codes of Online Education, *E-Learning* 2(2), pp. 104-121.
- Jhai Foundation (2002) Proposal to the Swedish International Development Agency. http://www.jhai.org/jhai_RemoteIT_SIDA.pdf
- MacCallum, G. (1967) Negative and Positive Freedom, *Philosophical Review*, 76, pp. 312-334. <http://dx.doi.org/10.2307/2183622>
- Perens, B./Open Source Initiative (2005) The Open Source Definition: Version 1.9. http://opensource.org/docs/def_print.php
- Seadle, M. (2002) Whose Rules? Intellectual Property, Culture and Indigenous Communities, *D-Lib Magazine* 8(3). <http://www.dlib.org/dlib/march02/seadle/03seadle.html>
- Shklar, J. (1972) Rousseau's Images of Authority, in M. Cranston & R.S. Peters (Eds) *Hobbes and Rousseau*. Garden City, NY: Doubleday Anchor.
- Stallman, R. (1998a) Free Software and Beyond. http://www.unesco.org/webworld/infoethics_2/eng/papers/paper_1.htm
- Stallman, R. (1998b) The GNU Project. <http://www.gnu.org/gnu/thegnuproject.html>

Colin Lankshear

Stallman, R. (2001) Why 'Free Software' is better than 'Open Source'.

<http://www.gnu.org/philosophy/free-software-for-freedom.html>

Vaden, T. (2004) Ownership of Information: knowledge creation and free software, *Framework: The Finnish*

Art Review, 2. http://www.framework.fi/2_2004/locating/artikkelit/vaden.html

Wempe, B. (2004) *T.H. Green's Theory of Positive Freedom*. Exeter: Imprint Academic.

COLIN LANKSHEAR is Professor of Literacy and New Technologies at James Cook University, Australia, Adjunct Professor at Central Queensland University, Australia, and Visiting Scholar at McGill University, Canada. His research interests include new literacies and other social practices involving digital technologies. Current and recent books include *New Literacies* (2006, 2nd ed.) and *A Handbook for Teacher Research* (2004), both with Michele Knobel. *Correspondence*: Colin Lankshear, School of Education, James Cook University, PO Box 6811, Cairns, Queensland 4870, Australia (colin.lankshear@jcu.edu.au).