

Artificial intelligence as the common: Cognitive capitalism, enclosure and the crisis of property

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ABSTRACT

This study discusses the transformations that cause knowledge to become a source of power, wealth, and property in contemporary societies and the phenomenon of artificial intelligence, which is at the center of these transformations, in the context of cognitive capitalism and the theory of the commons. Cognitive capitalism, which has become dominant today, points to a new process of enclosure of knowledge and therefore of the commons. The rise of artificial intelligence and the transformation in the mode of knowledge-based production have made the problem of how to protect and control the sources of collective knowledge a current debate. In this context, this study addresses the process of enclosing and appropriating the commons through collective knowledge structures, intellectual creativity, user experiences, and datasets in the context of artificial intelligence. The enclosure of artificial commons such as knowledge, symbols, icons, and data resources reveals new forms of capitalism; this process makes visible the tension between the communal nature of the knowledge structures underlying artificial intelligence and the logic of private property. In this context, the article aims to discuss the question of whether artificial intelligence should be regulated within the undemocratic boundaries of private property or in line with collective participation and democratic principles appropriate to the nature of the commons.

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Introduction

This study discusses the transformations that have led to the transformation of knowledge into a source of power, wealth, and property in contemporary societies and the phenomenon of artificial intelligence, which is at the center of these transformations, in the context of cognitive capitalism and the theory of the commons. With the increasing importance of information and the rise of artificial intelligence technologies, our economic, political, social, and cultural life is being reshaped. In contemporary debates, a number of concepts such as “information society,” “information age,” and “information revolution” emphasize the decisive role of information on social relations. In this context, knowledge has become the main source of wealth in contemporary capitalism and an essential

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component of the production process. Just as labor, land, and money functioned as “fictitious commodities” in the Industrial Revolution, today knowledge, as a fictitious commodity, is becoming the driving force of the new economic order (Jessop, 2007, pp. 117-118). Therefore, the position of knowledge in the production process and the knowledge-based production of artificial intelligence technologies make the question of how to protect and control common knowledge resources a current and urgent debate: Is knowledge a commons or an asset subject to the control of private property?

The commons refers to resources that belong to everyone and therefore belong to no one and are open to the management of all. Since the end of the 20th century, we have been confronted with an increase in discussions about the process of enclosing – turning into private property – resources that are open to the common use of society by losing their commons character. This process, which began with the enclosure of land at the beginning of capitalism, is now expanding beyond the natural commons and into artificial commons, including information, datasets, algorithms, and intellectual creativity. The cognitive capitalism that has come to dominate today points to a new process of enclosure of knowledge and thus of the commons. Through collective knowledge structures, intellectual creativity, user experiences, and datasets, this paper discusses the process of enclosure and appropriation of the commons in the context of artificial intelligence.

Artificial intelligence, as a technology that will cause large-scale social changes, brings to the agenda the phenomenon of “artificial intelligence society,” which implies radical transformations not only technologically but also in the mode of production, common knowledge structures, and property relations. The problem here is neither the increasing efficiency of information nor the role of artificial intelligence in triggering social change. The real problem is whether the information resources that form the basis of artificial intelligence will be considered as a common asset or as the subject of private property. Addressing artificial intelligence in the context of private property necessitates a conceptual distinction regarding artificial intelligence. First, artificial intelligence, as a whole comprising academic accumulation and tacit knowledge along with advanced machine learning and neural networks, embodies humanity's shared intellectual heritage and the common nature of knowledge. Second, there are artificial intelligence systems (ChatGPT, Gemini, etc.) that seek to transform these methods into private property, turning them into commercial products through closed-loop algorithms and paid memberships. This second form of artificial intelligence presents itself as a new practice of enclosure, which fences off common knowledge in favor of capital. Therefore, the study does not discuss the technical capacity of artificial intelligence but rather how this technical capacity is severed from its social and common nature, subjected to the logic of profit under the control of capital, and commodified.

Especially with neoliberal economic policies, the enclosure of the commons does not only involve the patenting of land, forests, fishing grounds, and genetic codes and the domination of corporations; it also includes the practices of appropriation of human creativity (Caffentzis & Federici, 2014, p. i94). Legal regulations such as patents and copyrights form the basis of contemporary enclosure by subjecting not only software and algorithms but also large data sets, user behavior, symbols, and cultural and intellectual production to the logic of private property. Therefore, the rise of artificial intelligence technologies and the transformation of the knowledge-based mode of production have revealed that the problem of decision-making and control over commons is not limited to natural commons but also raises the question of who will exercise control over the artificial

commons. Artificial intelligence as an artificial commons is becoming the most current and critical form of the new capitalist logic that centers on enclosing the common experiences and collective knowledge structures of humanity. In this sense, AI should be discussed not only as a technological innovation but also in the context of new approaches to property and governance due to its commons characteristics (Verdegem, 2022).

Existing literature examines the social impacts of AI technologies in different dimensions. Recent research has focused on the links between AI and surveillance capitalism, drawing attention to the ways in which AI technologies violate privacy, undermine moral autonomy, and threaten democratic values (Jones, 2024). Another axis of debate points out that forms of stigmatization and exclusion that belong to the human world, such as racism and gender and ethnic discrimination, can be adapted to AI technologies, increasing the risk of divisions between social groups (Vlasceanu & Amodio, 2022; Joyce et al., 2021). Another study that deals with the phenomenon of artificial intelligence in the context of labor value and class formations focuses on the relationality between capitalist development and artificial intelligence technologies, emphasizing that it is an ideological process that is not neutral for capitalist development (Walton & Nayak, 2021). While the literature generally focuses on the consequences and social uses of AI, this study offers a new perspective by making visible the commons qualities of the knowledge structures underlying AI, including the debates on cognitive capitalism and biopolitical production, and by opening up for discussion the process of enclosure that these commons face.

This study discusses not the practices of appropriation of urban areas, land, and public-material spaces such as health and education, which are the most discussed in the neoliberal period, but the enclosure process of the most invisible, intangible, and immaterial commons, such as knowledge, in the context of artificial intelligence. Starting from the assumption that AI technologies should be treated as knowledge commons, this article will conduct a theoretical discussion in the context of cognitive capitalism and biopolitical production approaches. The question of whether AI should be regulated within the framework of private property, under the undemocratic rule of corporations and elite groups, or through collective participation and democratic governance principles in accordance with the nature of the commons is the main focus of this study. In this framework, the study aims to discuss the question of whether artificial intelligence, the newest form of enclosure in contemporary capitalism, can be thought of and governed as a commons.

Theoretical background: Cognitive capitalism and the commons

Cognitive capitalism characterizes a historical trend in which knowledge, communication, and language have emerged as essential elements of contemporary production, and knowledge has become central to value production and capital accumulation (Moulier-Boutang, 2011, p. 57). In other words, cognitive capitalism involves practices through which capital frames the conditions of collective knowledge production and subordinates them to its logic (Lebert & Vercellone, 2015, pp. 30-31). In this respect, it is a concept that points to a number of non-material aspects of contemporary capitalism. While the 19th-century industrial revolution refers to the transformation of material objects and the relationship between man and nature, cognitive capitalism refers to the productive power of knowledge. The transformation of knowledge into a central category of production was made possible by a series of changes in the 1970s. These include the decline of Keynesian economic policies,

the construction of global communication and transportation infrastructures, the shift from Fordist to post-Fordist production, and so on. These dynamics of change cause production to shift from the material to the immaterial/abstract. Thus, in cognitive capitalism, production turns into the production of intangibles such as knowledge, creativity, and communication rather than material objects.

As Gorz (2010, p. 105) puts it, cognitive capitalism is a form of capitalism's self-sustainability in a situation where economic categories are inadequate, where wealth cannot be measured in terms of value, and where productive power does not derive from scarce resources or private property but is instead based on abundant and inexhaustible human knowledge that multiplies as it is shared. In this sense, in this historical situation of capitalism, knowledge becomes the main source of production and wealth. Contrary to the assumption that natural commons will disappear due to overuse, knowledge is a commons that grows and expands as long as it circulates and is therefore open to unlimited sharing. Fundamentally, this is where knowledge as a commons brings property into crisis.

As Hardt and Negri argue, in each period a different form of labor is an essential element of production. In the 19th century, in contrast to the quantitative intensity of agricultural labor, industrial labor was seen qualitatively as a hegemonic element in capitalist production (Hardt & Negri, 2004, p. 107). Today, however, immaterial labor is not quantitatively but qualitatively the main element of production. As material production is replaced by immaterial production, immaterial labor becomes dominant (Hardt & Negri, 2000, pp. 290-291). Production is no longer only the production of material objects such as automobiles and washing machines; it also and more specifically involves the production of immaterial objects such as knowledge, symbols, communication, information, and affect. Knowledge is defined by its immeasurable nature in relation to the communicative, informational, and affective production of immaterial labor. Knowledge, which causes the crisis in the measurement of immaterial labor, is discussed in terms of its irreducibility to an abstract quantity of labor, its encompassing an extremely diverse range of abilities that have no common measure, and its inclusion of judgment, intuition, aesthetic sense, formation, and information (Gorz, 2010, pp. 35-36).

Hardt and Negri (2009, pp. 137-138) explain this process with the concept of biopolitical production. It points to a historical transformation in which production is not only the production of material objects but also the production of life, and in this respect, the distinctions between actual and substitute labor and between productive and non-productive are blurred. With the financialization of capital after the 1970s, capital became an external element that lives not from profit but from rent and appropriates the commons (Hardt, 2010, p. 351). In this context, the most fundamental consequence of the emergence of biopolitical production is that capital becomes external to the production process and takes the form of appropriating the commons, and in this direction, it turns the enclosure of information into a new means of rent.

As Roggero (2009, p. 53) points out, capitalism can give up private property, but it can never give up command and control. Considering the relationship between knowledge and power, controlling knowledge means not only at the cognitive level but also extends to the issue of knowledge becoming property. Legal regulations such as copyright, patents, and intellectual property appear as practices that aim to enclose the common. The process of the biopoliticization of production also shows that property is not the individual's ownership of his/her own labor but rather the usurpation of the commons. In this context, intellectual

property, from the perspective of today's capitalism, is an arrangement for transforming the collective and common productive potential created by biopolitical production into the command and control of private property. Today, the proliferation of information-based jobs; the expansion of information on a time-space scale; and the collective nature of information, rather than being an individual activity, bring with them the problem of who will control it. In this respect, artificial intelligence technologies and a series of related intellectual property laws have made it possible to enclose the commons. This process makes the control of knowledge, which has become the value-generating source of capitalism, a central issue of debate.

The commons: Historical and theoretical debates

In recent years, the commons debate has become an important topic in both academic and social movement debates, challenging established ideas about resource management. Growing ecological problems, increasing economic inequality, urban contradictions, and technological-digital transformations force us to reconsider the role of shared resources in our lives. Commons are often defined as resources that are “everyone's and therefore no one's; common, jointly managed, and jointly decided upon” (Adaman, Akbulut & Kocagöz, 2017, p. 14) but need appropriate management to prevent their depletion or misuse. Commons can be natural commons with material qualities such as air, water, and land, as well as artificial commons such as information, symbols, icons, and data resources. Neoliberal policies implemented on a global scale today have not only raised the issue of how natural commons should be controlled, managed, and shared, but also how artificial commons should be framed (Hardt & Negri, 2009).

At the center of contemporary debates on the commons is Garrett Hardin's *The Tragedy of the Commons* (1968). Hardin's work argues that any practice that seeks to increase efficiency in the process of utilizing the commons leads to a tendency to consume the commons. Common lands, parks, etc. that have been opened to public use are susceptible to consumption due to their overuse. Hardin (1968, p. 1245) draws a framework that prioritizes private property over public property in order to avoid a tragedy for the commons. According to him, the commons can only be protected by turning them into private property. The fact that Hardin's solution to the commons has recently come back to the agenda has a significant impact on the enclosure process inherent in neoliberal policies. In the neoliberal era, enclosure goes beyond the boundaries of natural commons and penetrates into artificial commons.

The issue of the commons has been discussed by different theorists in different dimensions. In *The Magna Carta Manifesto* (2008), Peter Linebaugh emphasizes that the commons historically emerged as a form of resistance against processes of dispossession and enclosure and that the commons is not only a form of resource management but also a social relationship based on common life, labor and solidarity. In their book *Commonwealth* (2009), Michael Hardt and Antonio Negri see the commons as a founding moment that will open the door to the formation of a new political and economic order that goes beyond the logic of private and public property by placing it at the center of production and social life. In *Omnia Sunt Communia: On the Commons and the Transformation to Postcapitalism* (2017), Massimo De Angelis treats the commons as a form of social relations that is more than just shared resources; it is a form of social relations that puts the production of common life at the center, includes practices of collective production and solidarity, and produces an

alternative to capitalism. In *Common: On Revolution in the 21st Century* (2014), Pierre Dardot and Christian Laval argue that the common is not only a question of property, but also offers a model of democratic governance. According to them, the commons is a new form of social organization based on collective governance, horizontal organization and solidarity against the neoliberal wave of privatization. In this context, the commons should be considered not only as a resource management model but also as a principle that transforms social relations and political processes.

Elinor Ostrom, in *Governing the Commons: The Evolution of Institutions for Collective Action* (2015) discusses how the commons should be governed. Contrary to the traditional distinction between privatization and centralized regulation, Ostrom (2015, pp. 1-2) argues that communities can successfully manage commons resources and emphasizes the need to develop alternative models. Ostrom's discussion of management of the commons focuses on how to manage natural commons such as water, forests, fisheries, vegetation, and air. More recently, the rise in "cognitive," "digital," and "knowledge-based" activities has strongly resurrected the debate on artificial commons.

Today, the commons debate is an important starting point for generating answers to a range of questions that concern contemporary society about what our common future should look like. The digital commons raises new questions about equal access to information, intellectual property, and the exploitation of online labor. Today, the study of the commons goes beyond the protection of shared resources and is also about building a fairer, more cooperative society. In other words, many have pointed to the process of the commons becoming property, arguing that the way to protect information and information-related technological processes is through regulations based on the logic of property (Bollier, 2007, p. 28). In contrast, the concept of the commons provides a framework for generating alternative forms of sociality beyond the neoliberal rationality that preaches that the common assets of communities should be considered within the logic of property and is becoming increasingly important in dealing with today's complex global problems caused by economic logic. This is precisely why the concept of the commons has become a central topic of discussion in social and political theory and an important principle of social movements that challenge the dominant economic rationality and reorganize society and the economy.

How did the commons become enclosed?

Intellectual property and the appropriation of collective knowledge

Capitalism is basically a regime of appropriation based on unlimited capital accumulation. The most important fact that distinguishes capitalism from other economic systems is its unlimited nature for capital accumulation (Wallerstein, 2004, p. 46). The concentration on and definition of property has a long history. At the center of the classical property debate are approaches such as Locke and Rousseau that evaluate property rights from different perspectives. In particular, Locke's theory of natural rights and his approach to property based on the labor theory of value have become important subjects of debate (West, 2003). Locke, by placing property at the center in liberal theory, envisioned a social situation centering on property as the individual's disposition over his or her own labor. Although Rousseau's ideas on property contain differences, especially the romantic criticism he developed in the context of criticism of modernity, he treated property as the source of inequality between people in a critical/moral context (Rousseau, 2010).

In the 19th century, Marx drew attention to the relationship between private property and capital accumulation by seeing capital as a collective phenomenon and a relationship. In this respect, he considered the mode of production based on capital/private property as the general logic that brings about unequal social relations. Similarly, Proudhon described property as a concept equivalent to theft. In this respect, the phenomenon of property is not only a right to something but also a political relationship between individuals (Macpherson, 1999, p. 4). The establishment of this political relationship operates within the limits set by the state and the law. All capitalist production has always developed mechanisms to legally regulate property. In this respect, property should not be seen as an ahistorical and natural phenomenon but as a result of historical, institutional arrangements.

Hardt and Negri draw our attention to the relationship between capital and legal structures by calling modernity and capitalism, the commodification of labor, and the tendency to turn individual activity into property a “republic of property.” It is not a theological logic that stands on the sovereign threshold, determining the exception, but a structure embedded in the relations of law and capital. In this respect, the neoliberal concentration of property today reveals itself primarily in legal texts (Hardt & Negri, 2009, pp. 4-5). Hardt and Negri see the source of this concentration in a series of changes in contemporary capitalism. According to them, capitalism is in a historical tendency to shift from production processes based on the production of material goods to the production of non-material goods such as communication, information, knowledge, and affect. This tendency makes knowledge the source of wealth and property, and law acts as an umbrella to protect this property. As the scope of application of intellectual property rights increases day by day, the process of enclosing and confiscating types of knowledge for common goods is also gaining momentum. Of course, this trend is not a new process but has a long history.

The Universal Declaration of Human Rights naturalized property as an integral part of the person. The process that began with the industrial revolution and continued at the beginning of the 21st century has moved along a line of reorganizing the relationship between individual appropriation versus social production through legal regulations on intellectual property. The first regulations on intellectual property were the Venetian patent statute of 1474, which provided a ten-year protection for inventions, and the “Statute of Monopolies” law adopted in England in 1624. With this law, patents are no longer an arbitrary situation where the royalty grants privileges to certain individuals, and the legal rights of the first and real owners of the invention are protected. This legal regulation is the “Magna Carta” of patent laws. 1474 The Venetian patent statute aims to regulate intellectual property on printing and printing, which is an important field of activity in the spread of capitalism (Yüksel, 2001, p. 100). Later, the legalization process regulating copyrights in England in 1709 was followed by the regulations in France in 1791 (Pinar, 2004, p. 13). The enclosure process for the intellectual domain continued in the 19th century. The first regulation in this field was the “Paris Convention for the Protection of Industrial Property” in 1883. Another agreement for the protection of intellectual property on a global scale is the “Berne Convention for the Protection of Literary and Artistic Works,” signed in 1886. The Berne Convention aims to establish international standards to protect the rights of authors. In this context, the development of capitalism brought about legal regulations to control creative human activities (Pinar, 2004; Yüksel, 2001).

Throughout the 20th century, regulations on intellectual property are generally seen as an extension of the above-mentioned conventions and laws. International agreements such as Hague in 1925, Rome in 1961, PCT in 1970, EPC in 1973, Madrid Protocol in 1989, TRIPS

in 1994, WCT in 1996, and WPPT in 1996 enabled the formation of the property republic. In parallel with the decline in the regulatory practices of the nation-state on a spatio-temporal scale, international legal arrangements have enabled the development of intellectual property rights that will be valid across the globe as an intense coercive force. TRIPS and agreements such as GATT and MAI are legal practices that will enable the expansion of the neoliberal wave. The purpose of TRIPS is to eliminate barriers to international trade, to protect intellectual property rights, and to enclose intangible intellectual practices that become the subject of commercial activities. In this respect, TRIPS is the appearance of legal formations that will enable neoliberal legal mechanisms on a global scale. TRIPS involves the control and containment of objects that are the basis of human creativity through all kinds of computer programs, works of art, records, geographical indications, trademarks, industrial designs, patents, licenses, etc., that become the subject of commercial activity.

In 1967, the establishment of the World Intellectual Property Organization (WIPO) filled the need for an institutional organization to supervise the parties to the treaty on a global scale. With the WIPO Copyright Treaty (1996), similar to the BERNE and TRIPS agreements, it covers the control of intangible intellectual property such as information, symbols, icons, information, etc. The treaty explicitly aims to protect the rights of authors of works of literature and art, to encourage creativity in works of literature and art, and to protect copyright. The historical significance of these treaties is related to the shift in cognitive capitalism from the production of material goods—automobiles, refrigerators, washing machines, etc.—to the production of intangible knowledge, information, affect, icons, symbols, etc. It is also about capitalism becoming more dependent on mechanisms to regulate human creativity and on legal processes to enable the control and supervision of information. This is related to the fact that in the information age, the production of knowledge and knowledge objects, the main source of wealth, and human intellectual creativity have become central. As Virno (2004, p. 98) points out, the source of wealth and productivity in contemporary capitalism is found in linguistic-relational skills, in the communicative and cognitive abilities that distinguish human beings.

In a way, all these legal regulations aim to protect the position of all kinds of companies, individuals, and institutions operating in a commercial field within the market and guarantee the possibility of monopoly over the work. This tendency, which Harvey (2012) conceptualizes as monopoly rent, constitutes the most important pillar of establishing a global property regime. Monopoly rent is the practice of concentrating property in a monopoly because social actors earn excessive income for a long time through the exchange of a unique and incomparable good (Harvey, 2012, p. 90). In this respect, patents and copyrights are the control of collective symbolic capital defined within the limits of its creativity. Collective symbolic capital characterizes the tendency to control the original, exclusive, idiosyncratic sphere that Harvey addresses as monopoly rents. From this point of view, collective symbolic capital and rent are not only the privatization of material land, health, and education institutions but also the enclosure of the non-material aspects of symbolic, cognitive, informational, and knowledge-based human creativity.

Enclosing the commons in the neoliberal era: Contemporary forms of primitive accumulation

In the neoliberal era, the process of appropriation is a common economic practice, and its origins can be traced back to the process of enclosure. Enclosure is seen as the main dynamic

of social change that led to the emergence of capitalism from the 16th century onwards. Marx reads the transition from feudal production to capitalism as the process by which peasants were detached from the means of production and freely sold their labor on the market. The process of enclosing the common land is the beginning of a historical process that will eliminate the feudal legal order in the countryside and the guild organization in the city (Marx, 2011, p. 718). Similar to the 16th-century incident, the enclosure of common areas constitutes the basic character of post-1980 neoliberal economic policies. Privatization processes in education, health, etc. bring along a process that eliminates public control over the commons and democratic participation. Neoliberal economic policies have led to a series of economic transformations, including the capitalization of agriculture in the countryside and the liquidation of public institutions in the city. Of course, it is not possible to see neoliberal policies only as the privatization of public assets and the withdrawal of the state from the market—in many countries, state activity is increasing. Neoliberalism should be seen as a rationality that produces all relations and subjectivity (Dardot & Laval, 2012). This rationality not only determines economic processes but also shapes state logic, management techniques, corporate culture, individual and social behavior, legal texts, and technological processes.

In the debates on neoliberalism, the process of primitive accumulation or enclosure is not just a phenomenon of the early years of capitalism but a process that is already in place today and should be seen as if capital is accumulating for the first time every time (Harvey, 2010, pp. 305-307). The separation of producers and means of production, similar to what happened in the 16th century, is the most concrete indicator of the continuity of primitive accumulation (De Angelis, 2001, p. 6). From this perspective, neither knowledge nor technology are neutral phenomena but are shaped by historical, social, economic, and class processes (Roggero, 2011, p. 42). They are phenomena subject to processes of primitive accumulation and enclosure. Harvey (2004, p. 74; 2006, pp. 149-150) also discusses the logic of enclosure or primitive accumulation that emerged in the neoliberal period in the context of the concept of “accumulation by dispossession” and draws attention to the fact that the privatization process in the public sphere is an important regulatory practice in terms of capital accumulation. Accumulation by dispossession includes the logic of overcoming the crisis of accumulation through the privatization of public goods—health, education, schools, etc.—as the opening of non-market spaces for capital to exist on a time-space scale, as well as the commodification of biological and genetic materials, cultural forms, and intellectual creativity through intellectual property rights (Harvey, 2003, p. 148). In the neoliberal period, the organization of the commons in the form of property logic and its transformation into private property is not limited to the enclosure of the natural commons but is directly related to the process of appropriating the artificial commons. Today, this multidirectional expansion of property is characterized as a “second enclosure movement” that goes beyond physical assets to encompass the common spaces of the mind and the digital universe (Boyle, 2003, pp. 37-44). In this process, collective intellectual production and the public sphere are narrowed, while shared knowledge structures come under the control of private property. In this context, artificial intelligence platforms can be seen as a concrete manifestation of the second enclosure movement.

Knowledge production and enclosure in cognitive capitalism

The concept of knowledge commons, which emerged from Elinor Ostrom’s discussion centered on natural commons, has become an important topic of discussion in recent years

due to the increase in knowledge-based resources (Hess & Ostrom, 2007; Frischmann, Madison & Strandburg, 2014; Özveren & Gürpınar, 2024). Knowledge commons involves the management of shared knowledge resources by a community. In this context, the concept encompasses a wide range of intellectual and cultural resources, including scientific knowledge, data, and creative production, as emphasized by Ostrom and Hess (2007). Common language structures, community data, and all knowledge structures whose production requires the participation of long human communities are enclosed within a set of property logics such as patents and copyrights.

The most important aspect of this problematic, which has been brought back to the agenda by the artificial intelligence debates, is how to regulate the capitalist rationality to turn knowledge into a form of property as knowledge becomes the source of social wealth. New legal regulations on intellectual property rights go hand in hand with the formation of legal texts that will produce an answer to this problem in the new capitalism. This trend should be seen as an effort to see and position the commons as property. Those who interpret the changes occurring in today's societies on the axis of cognitive capitalism discussions draw attention to the increasing importance of knowledge in capitalism as well as the social aspect and nature of knowledge.

From this perspective, the increase in economic activities centered on knowledge and knowledge production today demonstrates the fact that knowledge is a social phenomenon as well as an economic category. Knowledge and knowledge products are not merely the result of the individual skills of the inventor or producer but rather a collective phenomenon that emerges through the layering of collective and social processes and various scientific innovations. In this respect, although contemporary societies are users of information-centered technologies, they are also their creators. For example, Word software can only become a common language of communication and a platform for sharing information with the active participation of other members of society (Zizek & Daly, 2004, p. 54). Or the patenting of seeds through developments in the field of genetics leads to the process of turning the common historical heritage of humanity into private property.

The development of intellectual property rights in contemporary capitalism has rendered knowledge and knowledge products, which are sociologically social and legally individual, controversial. Legal regulations on intellectual property such as patents, copyrights, and licenses can be seen as a process of enclosure of intangible knowledge, information, affect, symbols, and icons that emerged after a series of transformations of capitalism. This process does not include processes of appropriation through physical violence but operates through the force of law. Therefore, artificial intelligence makes the common culture, codes, symbols, information structures, and data of humanity the subject of individual property, creating a new form of appropriation of the common. For example, Google, OpenAI, and other big tech companies are appropriating data created by internet users, academic communities, and open-source developers and using it for commercial profit. Although this data is ostensibly "open source," in reality it is the result of co-production. In this context, there have been recent debates that the data used to build and train large language models violates intellectual property rights in general (Makridis & Ammons, 2025).

Indeed, while lawsuits filed by various authors against OpenAI discuss the unauthorized use of copyrighted books and texts in model training and the possibility of these contents being reproduced in AI outputs, both *The New York Times* and the *Indian*

news agency ANI have filed lawsuits against OpenAI on the grounds that millions of pieces of content in their newspaper archives were used without permission, constituting a copyright infringement. These newspapers claim that OpenAI's use of their archives not only infringes on copyright but also erodes the economic value of journalistic content because users can obtain information directly from artificial intelligence. The defendant companies argue that large language models analyze texts to learn language patterns, not to store or republish them, and that model training should be considered fair use (Field, 2024; Chaturvedi & Vengattil, 2024). The increasing number of such lawsuits in recent years has opened up a debate on the copyright boundaries of artificial intelligence training data. However, the issue is not solely about copyright. Artificial intelligence platforms also use all kinds of information that is not subject to copyright. The technological processes carried out by artificial intelligence companies within the framework of the "fair use" doctrine are ultimately directly related to collective knowledge facing a new process of enclosure (Lemley & Casey, 2020, p. 746). Therefore, by using the data obtained from the pool of collective knowledge, artificial intelligence brings about the commercialization of knowledge through closed systems and the enclosure of knowledge in line with the interests of corporations.

Discussion: Is artificial intelligence the common?

The development of artificial intelligence involves risks and opportunities that require us to reconsider the common historical knowledge, experiences, symbols, icons, and data of humanity, as well as human capabilities. The most important aspect of AI that needs to be discussed is that while it aims to create shared human experience on a global scale, it is precisely these shared human experiences that are being appropriated by private companies and individuals. Is it possible that artificial intelligence, which really belongs to everyone and can only be developed with the participation of everyone, can be enclosed and subjected to the logic of property?

The discussion of cognitive capitalism provides us with a framework for determining how AI is articulated into the process of social production, with an emphasis on knowledge and immaterial labor becoming the main productive force. As Lazzarato (1996) aims to describe with the concept of immaterial labor, production is no longer centered on material objects alone but on cognitive, affective, and communicative elements. While AI technologies function as both a result and a reproducer of this collective production, the transformation of collective knowledge resources into private property through platform capitalism (Srnicsek, 2016) has become the fundamental dynamic of capital's profitability strategies.

It is argued that the enclosure of the commons prevents the tragedy of the commons by both protecting the commons and making them more productive (Boyle, 2003, p. 35). The incentive paradigm, which views intellectual property rights as a prerequisite for innovation, sees patent rights as a necessary condition for innovation (Boldrin & Levine, 2021, p. 775). This paradigm argues that patents and intellectual property rights both encourage innovative production and that the high costs of artificial intelligence development processes can only be met with large-scale capital investments. According to the incentive paradigm, the data centers, infrastructure, and energy investments required to train large language models require billions of dollars in capital. Therefore, these investments can only be possible with the guarantee of private property. In this context,

intellectual property rights are seen as a necessary precondition for innovation. However, this paradigm does not sufficiently take into account that the algorithmic knowledge base on which artificial intelligence relies is shaped through public research funds, open academic production, and collective data contributions. Even if the incentive paradigm is followed, the thesis that private property leads to the protection of the commons and innovation is debatable. Michael A. Heller (1998) argues that when the rights to use a resource are excessively fragmented, production may decline, and in an environment where multiple rights holders have veto power, potential innovations may not be realized due to legal uncertainties and licensing costs. When it comes to artificial intelligence, intensive patenting and licensing practices on data sets, model architectures, and algorithmic techniques risk creating an anticommons that stifles new ventures rather than encouraging innovation. In this context, the subsumption of the commons under capital control does not merely mean the enclosure of the commons; it also means the increased difficulty of producing and reproducing knowledge.

At this point, the debate cannot be reduced to the opposition between the incentive function of property and the enclosure of the commons; more profoundly, the structural contradiction between the mode of production of knowledge and the mode of property is decisive. In the field of artificial intelligence, value is produced through an accumulative and networked process involving contributions from numerous dispersed actors, while the outputs of this production are increasingly concentrated under intensified forms of private property. Thus, the asymmetry between collective production and private appropriation deepens; the discourse of incentives functions as a framework that legitimizes the allocation of socially produced cognitive resources through ownership. As the anticommons risk also indicates, excessive privatization not only restricts access but can also weaken productivity based on the circulation of knowledge (Heller & Eisenberg, 1998, p. 698). Therefore, the artificial intelligence debate should be approached not as a trade-off between the necessity of incentives and the protection of commons, but rather as a question of which property regime should govern and regulate a knowledge domain based on collective production.

When considered in the context of cognitive capitalism, artificial intelligence is inherently a commons in terms of its production process, source of knowledge, and modes of use. The common nature of artificial intelligence is based not so much on the explicit teaching of technical methods in academic settings, but rather on the collective character of production and its status as a processed form of the general intellect. Commonality is determined not only by the open circulation of knowledge but also by the position of this holistic production process—shaped by the data of millions of users and public infrastructures—within value relations. Therefore, the issue is not the public teaching of technical knowledge but the enclosure and privatization of this collective production process within institutional forms in the name of capital accumulation.

As Hardt and Negri (2004) point out, capitalist production has evolved from the production of material goods to biopolitical production, which includes the production of knowledge, communication, and affect, and has become the production of social existence. In this context, artificial intelligence is a product of collective cognitive labor and is based on a collective production process that cannot be reduced to private property. When considering AI technologies, the creation of datasets, the training of algorithms, and the transformation of cognitive capital into productive power require large-scale social participation. In contrast, the capitalist mode of production aims to enclose knowledge production processes and harmonize them with the logic of the market by placing the

process of co-production, which is made possible through the participation of the entire society, at the service of private property (Roggero, 2011). Hardt and Negri (2009) argue that biopolitical production is not limited to the production of economic value but extends to all spheres of social existence. In this context, AI technologies are the result of the long-term contributions of individuals, communities, and collective knowledge. Since processes such as the training of algorithms, the creation of datasets, and access to information are the result of a social production that goes beyond private property, it is necessary to consider AI as a commons. However, the functioning and development of artificial intelligence is spread over too wide a field of social production to be under the control of capital. Therefore, the fundamental contradiction of the era of cognitive capitalism lies in the deepening tension between the creation of commons based on collective production on the one hand, and the enclosure and transfer of these commons to private capital on the other. Artificial intelligence is at the center of this contradiction, where the social character of knowledge production is subordinated to the logic of private appropriation, and must be seen as a commons.

Another important reason for treating AI as a commons is the collective nature of its production and use. For example, large-scale AI models are developed by drawing on a large pool of collective knowledge, such as open source software, public data sets and academic studies (Benkler, 2006). It therefore implies that AI should be a socially accessible and shareable asset, not the monopoly of a particular capital group or private companies. However, mechanisms such as intellectual property rights and data monopolization suppress the dynamics of co-production on AI, making it subject to the logic of private property and tending to enclose it (Roggero, 2011). This enclosure process is a tendency that we can define as the “privatization of the commons” and is in opposition to the nature of AI.

Since artificial intelligence has a commons character, it raises the necessity of reconsidering it in the context of its social effects and distribution processes. Although the data sets, algorithms, and cognitive workforce required for AI are shaped by global social contributions, their ownership is concentrated in the hands of certain capital groups (Srnicsek, 2016). Although social participation has had a significant impact on the development of AI technologies, it is possible to see that mechanisms have not emerged to maximize social benefit nor to ensure that it is managed in an open, accessible, and democratic manner. Therefore, the fact that it has become an apparatus to maximize the interests of corporations and the private, from this point of view, may lead to the deepening of the usurpation of the commons produced socially, as well as the weakening of the public quality of knowledge. From this perspective, artificial intelligence is a commons because of its need for common assets in its production and development. It should be considered outside the boundaries of the logic of private property since it has achieved its development by using the common experiences, data sets, knowledge structures, and intellectual capacity of humanity.

Conclusion: Artificial intelligence and rethinking the commons

The fact that the debate on the commons has gained significant momentum in recent years is directly related to the rise of social movements that center on the management of common assets as an alternative to the privatization and commodification practices of neoliberal policies. The process of enclosure and the logic of accumulation that emerged in the

neoliberal era, as discussed in different geographies of the world, not only turn natural commons into private property but also appropriate the common experiences of people, such as knowledge, data, symbols, and forms of communication, which should be seen as artificial common existence, within the framework of the logic of the private. This study defines artificial intelligence as both a socio-technical mode of production that processes the linguistic, cultural, and scientific accumulation produced on a social scale through statistical methods and as encompassing specific commercial applications and digital platform products. Technical methods such as machine learning and deep learning have largely developed within open academic circulation and rely on public knowledge infrastructures; therefore, the epistemic foundation of artificial intelligence rests on a shared knowledge base. However, this shared knowledge can be transformed into closed models, licensed access systems, and commercial platforms through specific institutional and legal mechanisms. Therefore, while AI is ontologically a concentrated form of collective cognitive labor, at the institutional level it is a value production mechanism that can be fenced off within a private property regime. In this context, artificial intelligence, which is ontologically common, needs to be normatively reconceptualized as a common as well.

Artificial intelligence has a common nature through the data sets, algorithms, and cultural codes used. While the algorithmic and mathematical foundations of artificial intelligence are the anonymous product of collective knowledge accumulation and general intellect, the subjugation of this accumulation to the private property regime through large-scale data sets, computing infrastructures, and closed model architectures creates a new moment of enclosure. From this perspective, knowledge emerges from the creative activities of human interaction. However, these structures, which form the basis of artificial intelligence, are increasingly subject to the command and control of technology companies, despite their common nature. Therefore, the problem is not artificial intelligence technology itself, but rather the allocation of the collectively produced pool of knowledge, language, and experience to rent production by platform capitalism. In particular, the increasing concentration of intellectual property rights subjects the control of the commons to the logic of private property.

Artificial intelligence should be seen as the most current and critical form of enclosing the commons in the age of cognitive capitalism. Artificial intelligence involves the appropriation of creativity as a result of capital becoming external to production and therefore tends to become an obstacle to the development of creativity in the long run. The property crisis shaping around artificial intelligence is not merely a technical issue concerning copyright and data protection law, but a political question about the regime under which social labor and subjectivity will be organized. Positioning artificial intelligence as a commons requires rethinking it outside market logic through open-source models, data cooperatives, public artificial intelligence initiatives, and democratic oversight mechanisms. Rather than being utopian designs, these alternatives are already being implemented today in concrete forms such as open-source communities, data cooperatives, and public artificial intelligence initiatives. This does not mean that there are no institutional and legal barriers to the implementation of these alternatives. The current intellectual property regime legally restricts data sharing and collective governance. However, the issue is not only the technical feasibility of these models but also how autonomous they can remain under the legal and economic pressure of the capitalist property regime. The risk that existing open-source practices will be used by large companies for their own profit mechanisms highlights the need for a political struggle. For this reason, expanding the scope

of existing open sources could enable development centered on collective ownership and democratic governance, focused on social benefit. In this sense, the enclosure practices caused by artificial intelligence technologies point to the tension between the capitalist form of ownership and the commons, becoming a fundamental issue in the political struggle. In this context, artificial intelligence is not only the most current enclosure field of cognitive capitalism but also the potential ground for new commons politics.

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