

Restoring the Intellectual Commons

Our Intellectual, Spiritual and Constitutional Inheritance

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Introduction

On the occasion of the 2022 Australian League of Rights Conference held 8 October 2022 in Adelaide South Australia, I am privileged to present this occasional paper on the first of three papers presented. This first paper is titled *Restoring the Intellectual Commons*. Following, are the second paper presented by Professor Oliver Heydorn on *Restoring the Spiritual Commons*, and the third paper titled *Restoring the Constitutional Commons* presented by Phillip Benwell MBE.

This paper addresses the entymology of Commons properly understood, the distinction in ideas between property and resource, ontology of Intellectual Commons and Commons per se, dialectics of the Commons, the two ends of Commodification and Commonification, participation in the Great Debate on Commons, the Modern Era, defined as post Modernism also described as the *Arrogance of the Modern*¹ being consumed by hubris and contempt for participation in the Great Conversation, thus ushering the present Neo Dark Ages of intellectual illiteracy, pollution of Intellectual Commons erupting as a result, the commons of language and culture, the Genesian parable of the Tower of Babel and the Gift of Insensibility, and remedy against Commodification, double blindness of ignorance and sin and restoration of participation in the Great Debate.

Entymology

Commons is a concatenation of two Latin words: (1) 'Com' meaning 'together' and 'Munis' meaning 'duties' or 'under obligation'. The history of duty obligation

finds its origins in Genesis and the public revelation of Imago Dei:

'Let us make mankind in our image, in our likeness, so that they may rule over the fish in the sea and the birds in the sky, over the livestock and all the wild animals, and over all the creature that move along the ground'.²

From this Public Revelation, mankind is endowed with inalienability of the attributes of God. This includes inalienability of rights and obligations. Inalienability means these rights and obligations cannot be separated by Man, by laws of Man and by any other means. The inalienability of rights and duties are pre-ordained in Nature and no human law can make or unmake this preordination. No State can take away these rights and duties by enactment of law or otherwise. It is impossible to do so.

Participation in the Great Conversation

The rhetoric of David Hall's collection of essays in his text *The Arrogance of the Modern* centres on the point being the deliberate severance in the Modern Era being from the Industrial Revolutionary period commencing circa 1750 to the present day. During this time, systemic attack has been perpetrated by the enemies of Right Reason for its demise in substitution with perverted ideologies in the name of science. These perverted ideologies include the rise of modern Statism including Nazism, Fascism, Socialism and Communism. More recent examples include neo-Gaian environmentalism and feminism and the

¹ The Arrogance of the Modern: Historical Theology Held in Contempt [Hall, D.]

² Genesis 1:26-28 Bible: New International Version

rise of same-sex ideologies being given equivalence to the Institution of Marriage. This has been done for their own penultimate political, financial ends and ultimately the higher final end for the propagation of Evil. In doing so, commencing with German philosophers such as Woolf, followed in France by the Revolutionary philosophers of Auguste Comte, Jean-Jacques Rousseau, Francois-Marie Arouet (Voltaire), Maximilien Robespierre etc. thence in turn followed by the English “enlightenment” philosophers of John Locke, Thomas Hobbes, Smith, Jeremy Bentham and John Austin amongst others, and thence reflected in the United States by Washington and the band of Freemasons there as architects of the modern United States. These have deliberately sought to erase from the minds of the living the contiguous line of philosophy in the Great Conversation over several thousand years and specifically in the last 2,000 years from the Birth of Jesus. The accumulated wisdom in the Commons and philosophy and theology per se has been erased from the minds of the living as history is erased and with it knowledge and wisdom.

Indeed, philosophy and theology in all their principal and subordinate sciences have been systematically removed from the body of science in favour of a new sequence of pseudoscience couched in terms of ‘science’ with informal evaluatives to deceive the uneducated and those not immersed in classical education. Such informal evaluatives as ‘exact science’, ‘natural science’, ‘medical science’ and just ‘science’ have come to be studies disalced of philosophy and theology. This is why logic is not taught in the exercitants within universities until at least post-graduate level along with classical education model which is defined below in this paper.

Resources vs Property

The Ideas of Resources is distinguished from Property. Resources and Property are not the same. Resources are separated into

things or ‘choses’ [French] being (1) things capable of private property, (2) public property or (3) resource incapable of inherent property.

As noted above, Property is a philosophical notion that a resource is capable of private or public ownership. It is a thesis of this paper to identify resources that are capable of being possessed of private property, public property or no property.

It is then a principle point in this paper that there are resources or ‘goods’ that are not capable of private or public property. Those goods that are neither capable of public or private property are nonetheless resources and goods, but they are incapable of property rights therein. Two examples in point are *language* you speak and the *culture* you possess. These are resources you possess and use every day. They are not owned by anyone; there is no property in either of these by anyone. No one has legal title over them. This will be discussed in further detail below.

Property

As intimated above, the genus property has three species:

1. *Res Privatae*
2. *Res Publicae*
3. *Res Communis Omnium*

Res Privatae is private property and use. *Res Publicae* is public property and use. *Res Communis Omnium* are those resources that belong to all in common but in which there cannot be either private and/or public property rights.

Not all resources and goods are capable of private or public property rights. As noted above, language and culture are two public resources that are *Res Communis Omnium*. Language and Culture are resources belonging to all in common.

Commons

Commons derives its origin as an *Ideas* from *Res Communis Omnium*. The Commons are those resources incapable of public or private property rights.

Positive Law

Positive law is a deceptive word because of the vernacular usage and meaning of 'positive' meaning something good, or hopeful or right e.g. 'that's a positive attitude' use of word 'positive' against its opposite 'negative' which in the vernacular comes to mean 'bad' or negative thoughts or feelings.

In the Great Conversation, the idea 'positive' is possessed of none of these meanings as expressed in the above vernacular. The word 'positive' derives from the Latin root *positum* meaning 'to lay down'. In law, 'positive law' means nothing more than laws 'laid down'. Hence the term '*laying down the law*' is derived. Legislatures, Executives and Judicatures *lay down the law*, but in doing so hold no authority in those laws other than the act of laying down the law by enactment by a Legislature, promulgation by an Executive or ratio by a Judicature. English philosopher John Austin advocates legal positivism, law being nothing more than a sequence of commands from a Sovereign backed by threat of sanction should those laws be disobeyed.

Hierarchy of Laws

To state the error of legal positivism is to have recourse to the clarification of law per se by St Thomas Aquinas in his Treatise on Law in the Summa Theologica at Questio 90++. The short point is that law per se is a hierarchy of laws. There is the highest law, the Divine Law, followed by the Moral Law, then the Natural Law then the Human law. What is called 'law' in the vernacular refers what Aquinas calls the Human Law. Human Law is the posited law. However,

the accident of justice in law is that law which is consistent with the natural, moral and divine laws. As Aquinas states: A posited law that defies any or all of the Natural, Moral and Divine Law is a 'lawless law'. As stated at Nuremberg, an enacted human law that reaches such 'unendurable proportions' that the human law becomes a lawless law and must yield to justice, justice being the mutual Good End in law, economics and politics.

The Divine Law or Eternal Law is *Do Good an Shun Evil*. This evasively simple categorical imperative is the 'law of laws' upon which all other law is written. Its dialectic is 'Good' versus 'Evil'. Moral law is that combination of public revelation supported by reason that determines what is licit versus illicit. Natural Law is that law which is named after the Latin 'natura' or Greek 'prudentia' meaning 'of reason'. The law of reason's dialectic is the discourse between what is True and False. Finally, Human Law is that dialectic in the discourse of what is Legal versus Illegal.

From this, a human law can make an act legal, whilst simultaneously being illicit, false and evil. There can be variances of these four laws, including an act which may be illegal, yet moral and reasonable and in conformance with the Divine Law. For example, a doctor refusing to perform an abortion under pain of committing breach of enacted health law, is nonetheless compliant with natural, moral and Divine law whilst simultaneously committing a breach of enacted health law.

Legal Theory: Property, Title, Ownership and Possession

For completeness, the notion of property and proprietary interest in a resource or good is found in the fourfold metaphysical attributes:

- Property in...
- Title in...
- Ownership of...
- Possession of...

These four attributes can have legal expression. But the positing of such legal expression does not create the attribute.

It is one of the great deceits of the Modern Era that a ‘god’ is made of the positum of laws thus creating the supremacy of the Legislature. It was Nuremburg trials in 1945 – 1946 which is the great rewrite of history that disalced the ratio of Nuremburg by ignoring the dual jurisprudential principles of (1) Public International Law and (2) Natural Law in the sweeping aside of Defences by former Nazi operatives on grounds that they were applying enacted German laws passed (posited) by Legislatures of sovereign jurisdiction. The current history is that since 1946, the ‘textbooks’ and emergence of the United Nations by General Assembly resolution in 1948 in the making of the UN Declaration of Human Rights, ignore the application of Natural Law in the determinations at Nuremburg whilst giving supremacy of Public International Law alone. It is this phenomenon by deliberate design that has brainwashed successive generations of the current so-called human rights law which does all things necessary to alienate that which is inalienable by philosophy of *individualism* whilst obliterating *personalism* as prescribed in 1963 Encyclical *Pacem In Terris* which rebuts the philosophy of the 1948 UN Declaration of Human Rights.

This travesty is part addressed by the reawakening of the Natural Law as a formal and essential part of the jurisprudence of law making and application of laws in our Modern Era. In the United State of America for example, the Natural Law Commission³ is now ‘retouching the touchstone’ in the rediscovery of Natural Law based jurisprudence in the enactment and application of laws in the United States of America. The future is not beset with despair.

Restoring the Intellectual Commons

This paper therefore posits that the Great Conversation of giving due recognition of resources that are *Res Communis Omnium*, possessed by all but of none. These resources that are incapable of private or public ownership.

The Intellectual Commons are those thoughts, ideas, culture, language and practices that are common to all but possessed, owned, have title in or property by none.

Intellectual Pollution and Destruction

Simply because a resource is not capable of private or public possession, ownership, property or title, does not mean that resource cannot be polluted, diluted or destroyed.

This paper posits that an intellectual commons such as language or culture can be polluted, diluted or destroyed. This paper posits that the restoration and conservation of the Intellectual Commons is an exercise in restoring the links with the Great Conversations and being intellectually honest in the progression of philosophical and theological certitude based upon right scientific reason towards intellectual honesty.

The current trend in force since at least 1750 has been the systematic destruction of that link in intellectual honesty in participation and promulgation of the Great Conversation.

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<https://www.rightwingwatch.org/post/po>
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[mpeo-launches-natural-law-commission-designed-to-limit-human-rights-inflation/](https://www.mpeo.org/news/mpeo-launches-natural-law-commission-designed-to-limit-human-rights-inflation/)

The Great Conversation

For completeness, participation in the ‘Great Conversation’ is a term taken from Great Books of the Western World published shortly after the end of World War 2. The term means participation in dialogue in the dialectic on an Idea by formal participation. It is not mere banter, but the formal scientific discovery of truth and wisdom towards understanding the Idea and by application of speculative theology and philosophy discover new truths from previously discovered former truths.

Synopticon

The Great Books of the Western World is a synopticon, not an encyclopedia. A synopticon means ‘with one eye’, meaning to focus on the unitary object by recourse to those intellects that have contributed to the discovery and discernment of the particular idea that is the object of inquiry.

Universals

The purpose of restoring the Intellectual Commons is to re-connect in a new Renaissance with classical and right thinking. This is accomplished by rediscovery of Classical Education and restoring right reason to the minds of a populace disalced of right reason.

Universals are the thoughts possessed individually but cannot be transferred to another person. Your thoughts, your ideas and your knowledge is possessed in your mind only. These universals cannot be transferred to another. They cannot be bottled or stored on a memory chip.

Intellectual Commons cannot be exclusively owned or predisposed [Benkler 2006]. Intellectual commons are better understood as to the construct relation between resources rather than the resource itself [Dardot 2016].

Orwellian NewSpeak, NewThink and DoubleThink

The directive of the modern is to remove the capacity to think and speak. This is the Orwellian political fiction main theme of 1984. By manipulation of words, dictionary and thought, the prole is incapable of right reason, thereby denied capacity to participate or apply the natural, moral and Divine laws.

The purpose of destruction of philosophy and theology is to make impossible the capacity to think, reason and express those ideas. In particular, the capacity to be possessed by thought of those Intellectual Commons that are culture, language and right reason. This includes knowledge of philosophical and theological truths, knowledge of logic and classical education.

Tower of Babel

Again we refer to Genesis at 11:1-9. Here, God smites the human post flood rebellion seeking to build their ‘stairway to heaven’ and in doing so be equal to God. Rather than destroy the tower, only to see another tower built, God ‘confounds’ the language and scatters humans ‘upon the face of all the earth [Gen 11:9]. The analogy is that God ‘gifts’ the people with the ‘spirit of insensibility’. He makes us stupid, unable to understand one another. This means taking the Intellectual Commons away from humanity. Hence, our sin and pride requires humanity to learn from arduous toil having been disalced from Adam and Eve’s preternatural wisdom that made them all but God in wisdom after the Great Fall where they eat of the forbidden fruit and are stripped of that preternatural knowledge as they are cast from Paradise.

The spiritual effect of the Gift of Insensibility is that the Intellectual Commons is taken from Man. Man becomes spiritually ‘stupid’ and cannot ever again be naturally possessed of the intellectual commons of preternatural

wisdom originally given to First Man and First Woman and lost by commission of eating of the forbidden fruit. For completeness making Man stupid is described as a spiritual gift, because it is the spiritual doping of man. You feel under 'Cloud Nine' when under sedation. It is easier to live the life of an idiot than an enlightened person. God makes life easy for those who are spiritually doped. By comparison, those possessed with enlightenment live life in constant pain, acutely aware of that which is lost. A stupid person is eternally happy, living in their microcosm of splendid idiocy. Life is easier when you don't have to think or can't think. It is not opium of the Masses as Marx describes religion. The spirit of insensibility is far worse. Being Fat, Stupid and Happy is analogous to being in a constant catatonic drugged state. Humanity in the whole yearns for its false peace devoid of thought or responsibility. It will do anything for its food, money and 'bread and circuses'. It is much easier to be a herd animal than to be responsible and work at self-sufficiency. The general populace will happily succumb to slavery if it means being left largely alone to live a subsistence existence.

Dialectics of Intellectual Commons

It is the error of Capitalism that always seeks to commodify then monopolise a resource. This is no exception to Intellectual Commons resources. Always capitalist forces seek to commodify common resources. The dialectic against commodification is commonification. The preservation, conservation and restoration of those intellectual commons that are rightly Res Communis Omnium must not be perceivedly given proprietary rights to a personal or public title. Nor must the Res Communis Omnium be destroyed or

deliberately subjugated by expunging them from the living memory of the public.

In short, intellectual commons must not be polluted, destroyed or subjugated. They must be preserved, conserved and brought into the public domain by reconnection with classical education.

It is capitalism and socialist economics including collectivisation that forces upon intellectual commons by supposed market competition and monopolisation. The means to defy this capitalist and socialist trend towards commodification via private (capitalist) or public (socialist) commodification of resource ownership is pursuit of common-oriented relations of production. This policy requires pursuit of self-management of production in opposition to hierarchical production.⁴

Commodification is as old as time itself. Intellectual Commons including Ideas including God, Morality, Thought, Culture, Language and other intellectual commons have been attempted to be commodified. This is the perennial threat to intellectual commons and the object of self-management and not succumbing to capitalist or socialist ideologies that are by extension opposed to the Christocentric perspective being Anthropocentric in nature as they give primacy to Man and specifically the supremacy of ego and intellect over God. This in turn reinforces the parable in Genesis 11 Tower of Babel where Man seeks to be equal to God thus mimicking the one third of all Angels who Fell from Paradise and Michael whose name is a question "Who is like God?"

Does Intellectual Commons need restoring?

Yes. The Era of the Modern is a post modernist nightmare where the intellectual commons is in a dire state of intellectual pollution. History has at least two epochs

⁴ Broumas, A *The Ontology of the Intellectual Commons*

where the intellectual commons were heavily polluted and all but destroyed. The first was the Greek era and the end of the Golden Age of the Greeks circa 528 BC with rise of the Age of Tyranny in Athens. The Greek City States fell into illiteracy and social ruin, the direct result of destruction of the Intellectual Commons of language, learning and culture.

The second epoch of collapse of the intellectual commons was the collapse of Rome circa 400AD, the result of perpetual Germanic invasions, looting and sacking of Rome, followed by barbarism and ultimately destroying the intellectual commons of the Roman Era.

What follows is a sequence of Dark Ages. There are more than one Dark Ages. Greece had its Dark Ages upon the fall of the Greek City States to tyranny. Equally, Europe descended to a Dark Ages that prevailed till the Renaissance, a period from about 476AD to 1000AD. During this time, the Intellectual Commons collapsed particularly with demise of learning, language and culture. In fact it was the recognition by the intelligentsia of the Day noting the demise of the Latin language sparked the Renaissance. It was impossible to teach and impart knowledge anymore. The Italicum Peninsula descended into speaking what began as Proto-Italian, being the Tuscan dialect. This phenomenon compelled the Intelligentsia to realise civilisation was not possible without codification of language (a key intellectual commons) as Europe descended into disaggregated bastardised dialects of Latin hence making communication more and more difficult.

In short, modern European languages with the exception of Albanian, Basque, Sardinian and certain other minority languages in Europe which possess no Latin roots, are essentially bastardised Latin the direct result of the Dark Ages of illiteracy, a key Intellectual Commons resource.

Contemporary illiteracy

Contemporary illiteracy takes its form in the technological realm and in the realm of media manipulated by sectional interest stakeholders pursuing power for power's sake. As Orwell writes of O'Brien in Room 101 the end is 'Power! Power! Power!'

The utilisation of mass media including Internet is the creation of pseudo intellectual terminology compounded with disaggregation of right intellectual formation, intellectually weakening the population and predisposing it to any thought the puppeteers desire.

In 1981 Alvin Toffler wrote the text *The Third Wave*. Everyone becomes a publisher, but they publish 'rubbish'. There is more publication than ever before, but less intellectual honesty than ever before.

Classical Education

The remedy to restore the intellectual commons is the same remedy as with the fall of the Golden Age of Greece or the Roman Empire, through classical education and rediscovery of the Great Conversation and participation within it and application of truths never rebuked and as valid today as 3000 years ago.

Classical education involves inculcation in the Trivium and Quadrivium. The Trivium is the threefold path in Grammar, Logic and Rhetoric. The Quadrivium is the fourfold path in arithmetic, geometry, music and astronomy.

The advent of technology with rhetoric has brought with it the rapid proliferation of intellectual pollution with near zero financial costs of promulgation of that pollution and poison. Restoration of Right Reason requires individuated inculcation. It is akin to restoring a zombie to human normalcy.

Newspeak pollution

Orwell's newspeak is the confounding of meaning by super concatenation of words to meaningless gibberish. Examples in the Modern include all of the following as but some examples:

- People smuggling
- Economic rationalism
- Covid vaccine
- Voluntary euthanasia
- Same sex marriage
- Climate change
- Family law
- Religious freedom
- Pro choice

Upon examination, these words are meaningless and deceptive. They sound sophisticated but are really sophistry.

Conclusion

G Hardin's text *The Tragedy of the Commons* (in) T O'Riordan and R K Turner's text *An annotated Reader in Environmental Planning and Management*⁵ describes the 'tragedy' as 'the day of reckoning, that is the day when the long-desired goal of social stability becomes a reality'. This is nothing more than a restatement of Pareto optimisation; the point where diseconomies of scale of a resource reaches or exceeds its carrying capacity, whether a plot of farming ground or a factory line.

This is not a true representation of intellectual commons. Restoration of the Intellectual Commons is not the self-defeating end of a factory floor or farmland that reaches its Pareto optimum production, beyond which diseconomies erupt with falling production.

Rather, intellectual commons is an indestructible resource that has being in the

minds of the people. Whilst above it was conceded intellectual commons can be destroyed, it can also be reproduced and restored. Unlike a finite resource such as iron ore, intellectual commons are infinitely reproduceable. Language can be restored and conserved, as can culture. It is not a case that once a resource like an iron ore mine is depleted, it cannot be replaced. Intellectual commons are infinite. It is always possible to restore culture or language or other commons resource. The task is to make that happen.

This task is accomplished by individuated education of polity through restoration of right reason and the shunning of evil by the proliferation of ignorance through medium of communications through partaking in the Great Conversation of Ideas by application of right reason and recourse to the truths discovered by those participants in the Great Conversations.



⁵ Pergamon Press, London 1983