

# The Seed

*Running the enclosure algorithm on the oldest commons of all*

Hold in Common · June 2026

---

The seed is the original open source. For roughly twelve thousand years, farmers saved seed from this year's best plants, swapped it across fences and borders, and bred it slowly into the thousands of varieties that feed us, and every harvest carried next year's crop inside it, free. No commons is older or more fundamental. So watch how completely it has been fenced, because the seed shows the algorithm at its most audacious: it manages to put a private gate in front of life's own habit of copying itself.

**Step 1 TARGET** | *find shared value not yet owned*

The target is the seed itself, and the ancient practice around it: saving, replanting, exchanging, and breeding. That practice built agriculture and fed every generation before this one. It is value beyond measure, and for almost all of human history it was no one's property.

**Step 2 REFRAME** | *call the commons a tragedy*

The story is yield and progress. Saved and traditional seed is recast as backward, low-yield, even risky, while proprietary hybrids and engineered seed are sold as the only modern, scientific, world-feeding choice. To keep saving your own seed is made to sound like stubborn refusal of progress.

**Step 3 ABSTRACT** | *turn it into a countable unit*

The living seed is abstracted into intellectual property: a patented gene, a licensed trait, an engineered event, a bag with a tag and a contract printed on it. The plant that wants to reproduce itself is converted into a unit whose copying is governed by law.

**Step 4 TITLE** | *vest the unit in a private owner*

Ownership is now astonishingly concentrated. Four firms, Bayer (which bought Monsanto), Corteva, Syngenta, and BASF, control roughly fifty-six

percent of the global seed market, and they fused seed with pesticide into a single complex.<sup>1</sup> In the United States it is starker: two companies sell on the order of seventy percent of the corn seed and two-thirds of the soybean seed, and the top firms account for more than ninety percent of cotton.<sup>2</sup>

**Step 5 INVERT** | *make the old custom a crime*

Here the inversion is total: the twelve-thousand-year-old act of saving seed to replant becomes an act of infringement. Patents and bag-tag licenses make it illegal to do with a seed the one thing a seed is built to do. Notice they did not even need the notorious “terminator” sterile-seed technology, which drew a global moratorium and was never commercialized; the patents on it have lapsed.<sup>3</sup> They did not need to make the seed sterile, because the law sterilizes it for them. The seed still sprouts. Replanting it is the crime.

**Step 6 TOLL** | *charge for access, dump the cost downstream*

So the toll is annual and inescapable: the farmer must buy seed again every single year, plus technology and trait fees on top. The cost is dumped onto farmers as a permanent input expense, onto seed diversity as thousands of local varieties vanish into a handful of patented lines, and onto the resilience of the entire food supply, which now leans on a genetic base owned by four companies.

**Step 7 NATURALIZE** | *erase the memory of the commons*

And the cover story: you just buy seed every year, that is simply how farming works now. Within a generation or two the memory dissolves that seed was always saved, always shared, always the farmer's own, and the strangest enclosure in the whole catalog, a fence around the self-copying of life, comes to look like common sense.

## **The loop**

Then it loops. Trait and seed revenue funds the next merger and tightens the seed-and-chemical lock, so that buying the seed increasingly means buying the matching spray, which funds the next round.

## **Who pays for this fence**

The cost lands on the farmer turned permanent renter of seed, on the farmers of the global South whose seed sovereignty is the target of the same playbook, on the biodiversity that is our only insurance against blight and drought, and on everyone who eats from a narrowing genetic base. The seed saver and the eater are on the same side of this fence.

## The counter-algorithm

The inverse exists, and it is beautifully literal: copyleft for seed. The Open Source Seed Initiative lets breeders pledge a variety free, with a single binding condition, that anyone who takes it must pass on the same freedom and never patent it or its descendants.<sup>4</sup> Seed libraries lend and return seed like books. Public and land-grant breeding can put varieties in the commons by design. Farmers' right to save seed can be written back into law. And the memory is the easiest to recover of all, because every grandparent on a farm remembers saving seed. Saying that out loud is the beginning of doing it again.

## The fence around life itself

This is the program run on the most basic commons there is. The seed targeted, seed-saving reframed as backwardness, the living seed abstracted into a patent, the trait titled to four firms, the oldest farming custom on earth turned into a crime, an annual toll collected on the very habit of life to copy itself, and the memory of the free seed quietly composted. Seed is where you can see, most plainly, what enclosure finally reaches for. The good news is that a seed, by its nature, still wants to be free. So do we.

---

## Notes and Sources

1. Four firms (Bayer, Corteva, Syngenta, BASF) control roughly 56% of the global seed market; Bayer about 23% and Corteva about 19%: [Public Eye](#); and USDA market-share data.
2. In the U.S., Corteva and Bayer together accounted for roughly 72% of corn seed and 66% of soybean seed sales (2018 to 2020), and the top firms over 90% of cotton: [USDA Economic Research Service](#).

3. On the UN de facto moratorium on Genetic Use Restriction Technologies (“terminator” seeds), that they were never commercialized, and that the related patents have expired: [Genetic Literacy Project](#).
4. The Open Source Seed Initiative (OSSI) Pledge: [osseeds.org](#). On saved-seed patent enforcement, see Bowman v. Monsanto in “Spot the Fence No. 1” and “No. 4.”

*Spot the Fence is a recurring Hold in Common series that runs the enclosure algorithm on one commons at a time. Figures were checked against the sources above; the framing is the project's own.*