

Book Review

CODE: Collaborative Ownership and the Digital Economy¹, by Rishab Aiyer Ghosh (ed).
MIT Press 2005, (345 pp incl. Index), ISBN 0-262-07260-2, £24.95.

The concept of collaborative use and “ownership” of resources has been with us since time began. Indeed collaboration is one of the hallmarks of human society and may be a fundamental part of our nature.

Humans have been collaboratively creating and owning knowledge for as long as we’ve been able to communicate, and such knowledge forms the basis of our ability to function as societies today in more or less every field of endeavor one cares to examine. (P. 4)

With the development of the “digital economy” and “marketplace” demands on systems and standards, these concepts have come back into prominence and controversy in a vigorous debate. Many of us speak of “open standards”, “open source software”, “collaboration” and “collaborative” with different meanings and definitions. Our present fascination with the digital economy, open source software, and the open source movement and open standards as shown by such initiatives as the “Global Standards Collaboration” often obscures the origins of this type of behaviour, confuses meanings and minimizes its role in society.

In its simplest form open source is software that is freely shared and for which the source code and other technical specifications are available so others may improve upon it. On a deeper level, open source is in many ways the continuation of an older philosophy, which believes that we as a society benefit from the ideas of many and that the outcome of that should be shared. We often think about it in terms originating from the perspective of Richard Stallman’s “Four Freedoms” (use, study, modify and share), but it is much more than that. Open source technology and collaborative ownership is by its very nature, “disruptive technology” in the sense coined by Harvard Business School Professor Clayton Christensen in his 1997 work, “The Innovator’s Dilemma.”

Much of our focus, perhaps too much, has been on the intersection of law and code in the intellectual property arena without realizing that this is not necessarily a modern problem. There are, and have been, many forms of collaborative ownership and development in different societies both in the past, and continuing today. Much as there is really no one “digital” economy, it actually consists of a jumble of competing interests/economies, so it is with collaborative ownership. Is collaborative ownership about our common heritage? Is it about preserving this heritage and sharing knowledge? Or just technical standards with balance and flexibility? How about social economics, innovation and the future? Or all these issues and more? Are we facing the “enclosure” of the mind and does this really matter? These issues need addressing especially as we have seen the recent unprecedented expansion of

¹ <http://mitpress.mit.edu/catalog/item/default.asp?tid=10459&ttype=2>.

intellectual property laws in the United States and elsewhere resulting in the “bundle of rights” conferred through intellectual property law becoming somewhat unbalanced. The reward for innovative research and development today often amounts to a right to freeze other such development at an undetermined cost to society. This has not always been the case.

Rishab Aiyer Ghosh, the editor of this collection, and author of two articles in it, is an acknowledged and widely published expert in the field. He took on a difficult and significant task in organizing the collaboration of so many different experts for his collection and for the most part, his “open source editing” (p. 5) works extremely well. Drawing on authors from such fields as law, anthropology, economics and of course, software and IP, the collection examines old and new forms of creative collaboration, and the many prisms through which they can be viewed.

The book is divided into an introduction and three main sections. In the introduction, the editor provides a background on the current open source movement, and the ongoing debate between the protection of intellectual property and fostering creative collaboration. He clearly explains that there is today a significant ideological component to the debate about creativity and ownership that needs to be acknowledged.

But collaboration need not be driven by ideology, and the common, romanticized notion that collaborative ownership and creativity on a large scale require the involvement of idealists is, to me, rather sad. Humans are social creatures and our greatest achievements have been collaborative efforts, often vast ones – especially in the realm of knowledge and the mind. That most of us assume creativity as necessarily individual, private and subject to the creative inputs of others only under commercial conditions, is a symptom of the conversion from knowledge and art – whether closely guarded secrets or widely published - intellectual property. (p. 1)

It is this “conversion” which is examined from many differing angles and points of view in his book. As Arthur C. Clarke’s third law stated, “any sufficiently advanced technology is indistinguishable from magic.”² Collaboration seems to be part technology, part ideology and perhaps even part magic! We get hints of each in the various chapters.

The six chapters in Section 1 are: Imagined Collectivities and Multiple Authorship; Modes of Creativity and the Register of Ownership; Some Properties of Culture and Persons; Square Pegs in Round Holes? Cultural Production, Intellectual Property Frameworks, and Discourses of Power; Who Got Left Out of the Property Grab Again: Oral Traditions, Indigenous Rights, and Valuable Old Knowledge and; From Keeping "Nature's Secrets" to the Institutionalization of "Open Science". Just from these alone, we can see the multifaceted nature of the subject and that issues of collaboration and creativity exist in “different times and places.”

In five chapters, Section II focuses on collaborative structures today and discusses: Benefit-Sharing: Experiments in Governance; Trust Among the Algorithms: Ownership, Identity, and the Collaborative Stewardship of Information; Cooking-Pot Markets and Balanced Value Flows; Coase's Penguin, or, Linux and the Nature of the Firm, and; Paying for Public Goods.

² Arthur C. Clarke, "Profiles of The Future", 1962, revised 1973, Harper & Row, paperback by Popular Library, ISBN 0-445-04061-0.

Finally, Section 3 contains four chapters that look at the issues in a more philosophical way: Fencing Off Ideas: Enclosure and the Disappearance of the Public Domain; A Renaissance of the Commons: How the New Sciences and the Internet are Framing a New Global Identity and Order; Positive Intellectual Rights and Information Exchanges and; Copyright and Globalization in the Age of Computer Networks. Hopes and fears for the future of the collaborative movement are well set out in a realistic non-utopian fashion focused on public rather than private ends.

This is a very well put-together collection of articles, and gives us a useful reminder of the many varieties of collaboration, historically and present day. It is a good general introduction to a complex and often misunderstood topic. As in any collection, the chapters vary in quality and readability. Some chapters are perhaps overly academic for the “average”, albeit informed, reader while others leave the reader looking for more information. Since each chapter in the book has its own notes and references, it is relatively easy to go behind the ideas expressed.

Code is a sophisticated general overview of the complex issues in this debate over “collaboration” and, at the same time, an in-depth introduction to specific topics within it. All this adds significantly to the ongoing discussion on the role that intellectual property protection should play in our technological and rights based society. This was no easy feat to accomplish. Lawrence Lessig recently wrote, “we will not reclaim a free culture by individual action alone.”³ We need to continue the discussion and debate in order to surface the many opinions and approaches to this issue. Then perhaps we will have real dialogue. The collaborative effort involved in bringing together such a wide range of views and topics in one collection is just what is needed to do this.

Colm Brannigan, M.A., LL.M., C. Med.

Mediate.ca, Brampton, Ontario, Canada, colm@mediate.ca

DOI: 10.2966/scrip.030306.255

© Colm Brannigan 2006. This work is licensed through [SCRIPT-ed Open Licence \(SOL\)](#).

³ Lawrence Lessig, "Free Culture", 2004, Penguin Press, ISBN 1-59420-006-8. p. 287.