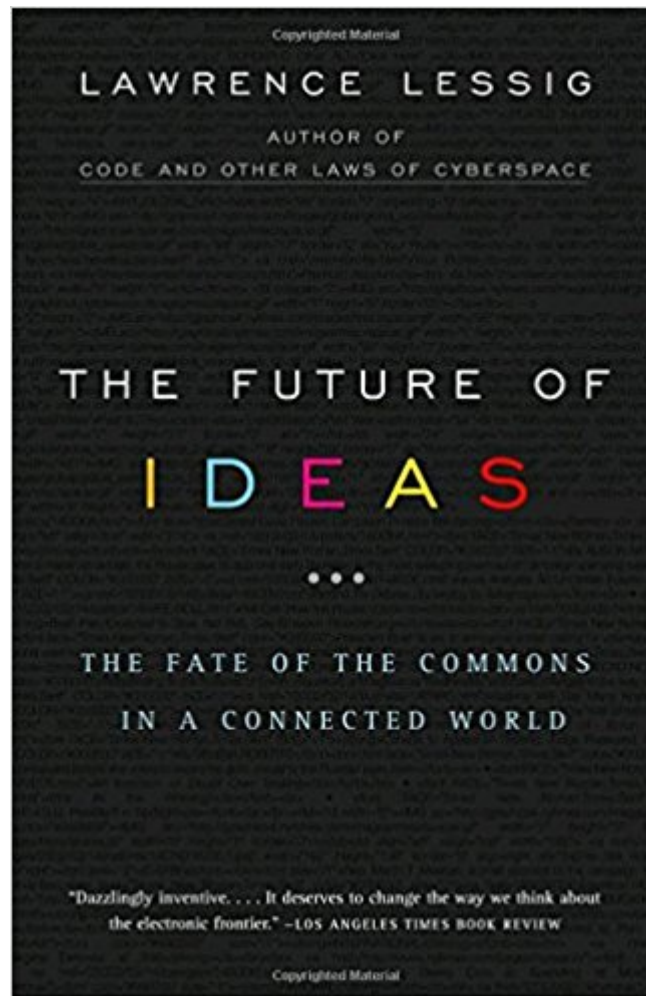




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# The Future Of Ideas: The Fate Of The Commons In A Connected World



## Synopsis

The Internet revolution has come. Some say it has gone. In *The Future of Ideas*, Lawrence Lessig explains how the revolution has produced a counterrevolution of potentially devastating power and effect. Creativity once flourished because the Net protected a commons on which widest range of innovators could experiment. But now, manipulating the law for their own purposes, corporations have established themselves as virtual gatekeepers of the Net while Congress, in the pockets of media magnates, has rewritten copyright and patent laws to stifle creativity and progress. Lessig weaves the history of technology and its relevant laws to make a lucid and accessible case to protect the sanctity of intellectual freedom. He shows how the door to a future of ideas is being shut just as technology is creating extraordinary possibilities that have implications for all of us. Vital, eloquent, judicious and forthright, *The Future of Ideas* is a call to arms that we can ill afford to ignore.

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## Customer Reviews

If *The Future of Ideas* is bleak, we have nobody to blame but ourselves. Author Lawrence Lessig, a Stanford law professor and keen observer of emerging technologies, makes a strong case that large corporations are staging an innovation-stifling power grab while we watch idly. The changes in copyright and other forms of intellectual property protection demanded by the media and software industries have the potential to choke off publicly held material, which Lessig sees as a kind of intellectual commons. He eloquently and persuasively decries this lopsided control of ideas and

suggests practical solutions that consider the rights of both creators and consumers, while acknowledging the serious impact of new technologies on old ways of doing business. His proposals would let existing companies make money without using the tremendous advantages of incumbency to eliminate new killer apps before they can threaten the status quo. Readers who want a fair intellectual marketplace would do well to absorb the lessons in *The Future of Ideas*. --Rob Lightner --This text refers to the Hardcover edition.

Is the Internet evolving into a controlled environment? Should it be completely free from intellectual property rights? Lessig (Stanford Law Sch.; *Code: And Other Laws of Cyberspace*) argues that as the Internet faces the challenges of intellectual property laws, it should not become so controlled that it discourages innovation and creativity in the digital world. He explains the historical context of the Internet and its relationship to the "commons" (items that are made available for free) and argues that, for the Internet to evolve and be an open environment, there must be a balance between intellectual property and the public domain. His book is filled with current case and social histories, as well as extensive source notes. His examples are thorough but can be excessively detailed. Though it is written for the lay reader, it will be better understood by those with some technological background. Recommended for all types of libraries, especially those maintaining materials on intellectual property. Rob Martindale, Dallas P.L. Copyright 2001 Reed Business Information, Inc. --This text refers to the Hardcover edition.

Lawrence Lessig has, rightly, achieved hero status amongst netizens for his early, analytical and compelling advocacy of the need for wise regulation by law - and other sorts of code - of that thing - William Gibson - termed cyberspace. Lessig's magnum opus is - *Code and Other Laws of Cyberspace* - remixed not long ago into - *Code: Version 2.0* - the second "version" edited communally by wiki thereby demonstrating, as you would expect from a tribal elder, the man has the courage of his convictions. Lessig's renown has accordingly spread: he is a sought after public speaker (and a compelling one - Lessig is a genius with a PowerPoint presentation) and, rumour has it, a long-time consigliere of President Obama who in recent times has been linked with the job of running the Federal Communications Commission. Boy would \*that\* frighten the Confederate horses. As a prolific generator of intellectual property himself, much of which is available through open source copyright licences, Lessig is in the unusual position, a bit like a stand-up comedian from an ethnic minority, of being able to score hits that others cannot without being written off as a liberal/hacker/stoner hand waver (though it isn't to say that this doesn't

routinely happen - a quick trot through the one star reviews on this site ought to persuade you of that). The thing is, his analysis isn't half as glib as his conservative detractors say it is (or their criticisms are!) Lessig is a brilliant and compelling thinker. Code, in my book, is one of the few essential pieces of 21st century political philosophy to have yet emerged. The Future of Ideas was published in 2001 as a follow up to the original Code, and while its arguments are for the main part compelling, they are also familiar, springing as they do from exactly the turf as those in Code: principally the virtue of the end-to-end architecture of the internet and the possibility for a myriad of unimagined innovations and unprecedented technological developments. Lessig spends more time updating the Garrett Hardin's tragedy of the commons - on which premise modern legal philosophy underlying physical property can be understood - to the non-rivalrous (if you'll excuse the expression: at times Lessig's way with words deserts him) digital commons, and this is an interesting and valuable discussion. Other than these arguments, much of the heft in this book was also the meat and potatoes of Code, and it didn't feel as if substantial new ground was being broken here, and where it was - for example Lessig's playful reference to the "Sovietisation" of dominant positions in the market - such interesting and fair observations were let down by their expression. To compare corporate titans with communists will infuriate exactly the conservative readers Lessig ought to be doing more to appeal to. This book, and the author's outlook generally, aren't without their flaws. Lessig is an idealist in at least two pejorative senses: First, in that he believes that fixing the endemic problems he excellently articulates is a matter of straightforward legal or technological regulation, whereas he has (equally excellently) articulated that the first order problems are themselves not of a legal or technological nature. They are with the meatware, and in particular its peculiar sociological constitution. The same "Sovietisation" that cankers corporate titans also ossifies regulators, and for the same ineluctable evolutionary reasons. Complexity is inevitable in our social systems precisely because (like the internet and successful corporations) they have evolved from institutions and customs designed to solve earlier, different and often unrelated problems. Lessig is extremely convincing on this. But there's the rub: the fix for these historical circumstances came pre-bundled with commercial and political hierarchies the priorities of which have hardened, for predictable but selfish reasons, in ways which, as Lessig now patiently catalogues, create problems of a different nature altogether. But nor are these hierarchies all for the worse, and they have the benefit of inertia, we all have an innate (no doubt evolved!) resistance to the idea of abandoning established (read evolved) political structures when they still appear to be functioning, however sub-optimally - especially since those in the upper reaches of the political structures who are best placed to change them are also, almost by definition, least incentivised to do

so. Overcoming these facts of life presents social as well as political issues: it is not simply a matter of passing the law: one needs to build the consensus to pass the law. The old paradigm not only needs to be in crisis, it needs to be \*believed to be\* in crisis - believed by the very people from whose perspective it is least obviously in crisis. This is where the conservatives' cheap shots, which Lessig laughs off, do hit home: preaching to the choir (which squarely includes me, by the way) won't help: the sermon needs to go over with the sceptics in the posh seats. This does seem to be starting to happen where it really matters - commercial and technological development. Personally I'm less exercised than Lessig is about the mendacity of the Recording Industry Association of America since, well, it \*is\* only rock 'n' roll, however much we might like it. Secondly, Lessig overstates his case. To win over this congregation of Hollywood moguls and record company execs - a tough crowd - he needs to avoid overreaching. His analysis of the internet's architecture is comprehensive and detailed (herein you will learn more than you bargained for about the packet-switching design of the code layer of the internet) but he is not persuasive that this whole edifice, spanning as it does not just real space, public and private property and also international regulatory space really could be, in its entirety, laid low by regulatory action, much less privately or corporately controlled systems design. These days not even Ma Bell has anything like monopoly power, and technological advances (wifi, internet through electricity circuits) ever more militate against it ever happening again. That is to say, I think Lessig is crying wolf. Since there will always be (virtual) areas of the net which are differently or less heavily regulated or, to use his awful expression, "architected" (Professor Lessig, if you're reading: the word is "designed") and the commercial energy required to rein in defectors will always be greater than that required to ease constrained systems to keep up with the competition, and, absent real-life Sovietisation (these days not quite as ludicrous a prospect as it would have been in 2001!), market share will always go with gravity - downward, to the service provider who places the least constraints on its subscribers. This, I think, is borne out by the history of the net in the eight or so years since this book was written. The original Napster may have gone the way of all flesh, but the collaborative internet is in rude health, as ADSL has become mainstream the opportunities for innovation and creation seem as present as they ever were. Another well established end-to-end network - a city - provides an enlightening metaphor: trains or buses might be privately controlled, the use of cars somewhat (but imperfectly) regulated and (as in any network) there will be places we cannot go at all, but we can always, at the limit, walk. The first lesson of evolutionary theory is: Where there's a will, there's a way. A week is a long time in technology, and eight years is an aeon: The Future Of Ideas is necessarily dated nowadays, and since the revision to Code, has little to offer that can't be found in that somewhat

weightier book. Olly Buxton

The author of this great new book about ideas in the age of technology is no college kid touting, "I have a right to, like, copy MP3s!" On the contrary, Law Professor Lawrence Lessig's book provides a balanced, logical, and realistic argument for more careful Copyright and Intellectual Property legislation. In fewer than 300 pages, Lessig not only lays out the history of IP law, but also thoroughly examines the current move towards corporate favoritism. This makes for a very discouraging read; however, the reader is left with plenty of ideas about how IP law could be shaped in the future. Lessig's suggestions would go a long way towards protecting innovation while still upholding the core principles of fair use and reasonable limits the Founding Fathers wrote into the US Constitution. (Buy a copy of this book for your Congressman!) Lessig, a Liberal who clerked for the popular Conservative Circuit Court Judge and prolific public intellectual Richard Posner, also demonstrates why this issue cuts right across standard ideological lines. Even if you only read chapters 4 and 11, I highly recommend this book for a thorough examination of this most pressing issue of current public policy.

Intellectual property, copyright, information ownership, fair use, e- versus hardcopy - if you are interested in exploring the nature of information, ownership, use and legality, Lessig provides a valuable resource from which to learn and to consider the various positions. Topics explored include: the notion of a commons, creativity, innovation, legal control, laws, and copyright.

[This draws on my review of "The Future of Ideas" published in the Los Angeles Times, 13 January 2002.] A century ago, Frederick Jackson Turner delivered an address on "The Significance of the Frontier in American History" that changed the way America understood itself. Turner cast the frontier's history in a new light, making it a driver of national history and culture and its closing a cause for alarm. Lawrence Lessig's "The Future of Ideas" could have been titled "The Significance of the Electronic Frontier in American History." Lessig sees the Internet as harboring a unique character that accounts for its importance and for which it is under attack. Like Turner's "frontier thesis," "The Future of Ideas" is a dazzlingly inventive work about familiar things. It deserves to change the way we think about the electronic frontier. In Lessig's world, established corporations use any means to keep challengers down, including rewriting the rules and even outlawing disruptive innovation. He is decidedly NOT anti-capitalist, nor is he a Marxist, as another review assumes. Lessig loves the "creative destruction" that the Internet has spawned, and indeed sees the Internet

as a realm where the right to innovate (the term Microsoft used to brand its defense in the federal antitrust suit) has been built-in, much as constitutional rights are guaranteed to citizens. (Lessig clerked for famed University of Chicago professor and circuit judge Richard Posner, and for Supreme Court justice Antonin Scalia, neither of whom is known for his Marxist leanings.) It isn't obvious that the Internet should have become such a hotbed of creativity. For years, the phone system was far more attractive than the Internet to hackers like Apple co-founder Steve Wozniak. So why did the Internet become an arena for innovation in the 1990s? Not because it attracted venture capitalists and twentysomething CEOs who "got it," but because it is a "commons." Commons are things available to anyone who obeys the rules governing their use. Streets, highways and parks are commons open to everyone. The Internet's fundamental design was built around a common protocol that all computers could use, and it was designed so that the intelligence resided at the edges of the network, not in the center. This "end-to-end" architecture is the reverse of the telephone system, in which dumb devices--your phone--are connected by an intelligent network. Add the development of open source software and you have a commons of extraordinary value. Anyone who obeys the technical rules can develop services that run on it. No application can be excluded for political reasons or protectionism. Success is bestowed by the marketplace, not by government policy or corporate patronage. The phone system couldn't compete, not despite its centralized power, but because of it. To paraphrase Stewart Brand, innovation wants to be free. But the Internet is endangered, Lessig says. The shift from an Internet running off telecom to broadband running through cable television wires threatens the open architecture because a cable company can design its system to work best with its own service provider, deny access to competitors or break software from other companies, and it will all be legal; no phone company could have ever done those things. Changes in copyright and patent law are also impoverishing the intellectual commons. Copyright originally lasted 14 years; today it can last 10 times as long, thanks to efforts by entertainment companies eager to defend their profits. Patent applicants have to reveal how their inventions work, but you can patent software without revealing the source code that would make it comprehensible to others, and the "fair use" of copyrighted materials is under attack as publishers develop technology to gain more control over content. "The Future of Ideas" concludes with proposals to defend the digital commons. Given that we live in a world in which intellectual work is being fenced off and sold, do his ideas stand a chance? Lessig is pessimistic, but the last 20 years have seen some remarkable experiments in public policy inspired by iconoclastic thinkers: think of emissions trading and spectrum auctions. His ideas could provide a foundation for real action. Recent polls suggest that respect for the government and public services is rising, and few

politicians would say they were against innovation and for special interests. It might be impossible to recover America's original great commons, the first frontier, but perhaps the electronic one still has a chance.

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