

BOOK REVIEW

Daniel V. Eastmond, *Book Review Editor*

The Information Commons: A Public Policy Report, by Nancy Kranich

Marybeth Green

University of Texas at San Antonio

The Information Commons: A Public Policy Report, by Nancy Kranich. New York: Brennan Center for Justice at NYU School of Law, 2004. 58 pages.

An assignment in a course I once taught for Texas teachers preparing for the Master Technology Teacher exam asked the teachers to envision how technology would change in the next five years. Their answers invariably imagined a future in which technology tools became smaller and more powerful and information became vastly more accessible. As one student observed:

The most important tool in the classroom will be a computer connected to the Internet. Resources will continue to grow and these resources will provide more students with more opportunities.

Kranich's *The Information Commons, a Public Policy Report*, shares this vision and

conceptualizes a future in which information resources are freely available and communally managed in a shared space known as the "information commons." Kranich, former president of the American Library Association, prepared this report for The Free Expression Policy Project (FEPP), part of the Democracy Program at the Brennan Center for Justice, NYU School of Law. This easy-to-read 58-page monograph provides a look into a new movement that challenges the policies and politics associated with the management of information and communication in the twenty-first century. As Kranich asserts, "For democracy to flourish, citizens need free and open access to information. In today's digital age, this means access to information online." In a digital world facing growing copyright and licensing restrictions, restrictive technologies, and media consolidation, "citizens must have

• **Marybeth Green**, Instructor, Department of Interdisciplinary Learning and Teaching, University of Texas at San Antonio, 6900 North Loop 1604 West, San Antonio, TX 78249. Telephone: (210) 458-5969. E-mail: marybe6262@aol.com

The Quarterly Review of Distance Education, Volume 6(4), 2005, pp. 409–413
Copyright © 2005 Information Age Publishing, Inc.

ISSN 1528-3518
All rights of reproduction in any form reserved.

optimal opportunities to acquire and exchange information.”

In a paper prepared for The Office of Information Technology Policy at the American Library Association, Kranich (2003) defines information commons:

Information commons ensure open access to ideas and the opportunity to use them. These commons are characterized by values and laws, organizations, physical and communication infrastructures, resources, and social practices that promote sharing, community, and freedom of information. They encourage people to learn, think, and participate in democratic discourse, fundamental to ensuring an informed and active citizenry. In short, information commons are essential to democracy. (Kranich, 2003, p. 1)

The concept of information commons is derived from historically shared spaces such as the public commons in England—pieces of land that were publicly available to the community. In modern times, public commons could be considered to be city parks, beaches or libraries. This discussion, however, applies the concept not to physical spaces, but virtual spaces where information and ideas are exchanged.

Kranich divides this discussion into five main parts: (1) an Executive summary, (2) Introduction; (3) Opportunities and Challenges of the Information Age, (4) The Emerging Information Commons and (5) The Future of the Information Commons.

OPPORTUNITIES AND CHALLENGES OF THE INFORMATION AGE

This section opens with a survey of the evolution of the information age viewed through the lens of public interest. It traces the evolution of technologies and the parallel rise of governmental regulation of the dissemination of information as embodied in the Communications Act of 1934. Deregulation in the latter

part of the century, however, triggered the phenomenon of media consolidation, whereby a few media conglomerates control a vast variety of delivery systems of information. Thus, while 50 companies controlled Americans' access to television, magazines, and newspapers in the 1980s, today that number has dwindled to only 10 companies. Kranich asserts that media consolidation reduces diversity and constricts access to the free flow of information and ideas. Even information access on the World Wide Web is compromised through the architecture of search engines and Web portals that make it much more difficult to find that content that is independently created and freely available.

Of particular interest in this section is the juxtaposition of the first amendment rights of free speech and a free press and the protection of copyright assured in Article 1 of the Constitution with corporate policies of Digital Rights Management (DRM) and governmental regulation in the Digital Millennium Copyright Act. Digital rights management systems include technologies such as encryption and usage tracking that control access to digital intellectual property and restrict its use. According to Kranich, media corporations now control large parts of the Internet and actively use DRM technologies. The Digital Millennium Copyright Act banned circumvention technologies giving DRM restrictions the force of law. Kranich asserts that these technologies and their legal backing contradict established policy and law of “copyright fair use,” “first sale rule,” and the concept of public domain. Exacerbating this situation is the Sonny Bono Copyright Term Extension Act, which extends the term of copyright to the life of the author plus 70 years or 95 years for corporate works.

Perhaps one of the most important considerations in this section is the use of the term “enclosure.” Kranich uses this term to indicate the containment of intellectual property to market related access. The choice of the word enclosure is deliberate and parallels the historical enclosure of public spaces. The commons

available to the peasants in England were eventually fenced and restricted, causing social upheaval.

EMERGING INFORMATION COMMONS

The concept of common management of properties and the social frameworks that have been used to define and govern their use, begins this section. A frequent argument by social scientists against common management of properties is the notion of overuse. However, other social scientists counter that communal management of resources can lead not to overuse, but a balance of benefits and costs. Further, in some cases, the benefits of commons are extended, not restricted through greater participation, as in the case of festivals. The greater the number of participants enhances the feelings of community.

Kranich applies this theory to information environments drawing from many of the leaders in the field, including David Bollier and Peter Levine. She also examines the research of Fisher and Durrance and their five characteristics of Internet-based information communities: information-sharing with multiplier effects; collaboration; interaction based on needs of participants; low barriers to entry; and connectedness with the larger community. She concludes this discussion by reporting on the recognition of information commons theories and philosophies by institutions such as the Lewis Friedland Center for Democracy and Communication, organizations such the American Library Association, and public interest advocate groups such as the Electronic Frontier Foundation.

Readers will find this section interesting, with its carefully chosen examples of existing information commons projects making a somewhat abstract concept more fully concrete. It also gives readers a chance to judge for themselves the viability of this movement. Kranich divides the projects into software commons, licensing commons, scholarly com-

munication—open access, scholarly communication—digital repository, institutional commons, and subject matter related commons.

Some of the projects that she lists will be familiar to readers who were involved with the Internet before the creation of the World Wide Web, while other projects will take readers in new directions. One of the venerable older projects, *Project Gutenberg Digital Proofreader*, is attempting to move classic books written before 1923 to the Web with the assistance of proofreaders distributed across the Web. Newer projects, such as *The Open Video Project*, are attempting to capture and catalog digital video content for reuse. Noting the difficulties in publishing scholarly content, the list also includes two developing formats for scholarly publishing: open access e-journals, such as *BioOne*, and digital repositories of scholarly content, such as *The Connexions Project* at Rice University.

The variety and depth of the examples in this section present a persuasive argument for communally-managed information commons projects. The selection of projects draw from fields as diverse as the Supreme Court and knitting, allowing readers to explore the information commons concept from a variety of perspectives. Norms of collaboration, free and open access, and reciprocity are standard in the presented projects.

POLICIES AND PRINCIPLES RELATED TO INFORMATION AND COMMUNICATIONS TECHNOLOGIES

In this final section, Kranich examines the actions necessary to implement the information commons society. This discussion begins by envisioning an advocacy movement that coalesces around the free exchange of information and ideas in public domains and promotes the formation of information commons projects dedicated to providing information in a variety of contexts. Kranich recognizes that

substantial funds would be necessary to create and maintain these sites and suggests that funds could be found through universities, foundations, and grants; eventually, the projects may generate their own income.

Democracy is a strong theme throughout this section. Kranich returns to her earlier assertion that the information available in these projects will be vital to the discourse of an informed citizenry in a democracy. She further suggests that these projects will, of necessity, be governed by democratic ideals protecting the rights of free speech and the right to freely access information.

Kranich does not totally reject the for-profit media industry. She envisions this sector of the information environment continuing as a producer of information, but balanced by the information commons. She does reject the commercial for-profit model as the sole producer and distributor of information.

In looking over the list of actions that are enumerated to implement the information commons society, it becomes obvious that Kranich sees this process largely as a grassroots movement led by disparate interest groups. Much of her thrust is toward these groups creating a climate of awareness for the information commons resembling the environmental movement of a few decades ago. Others should be involved in the creation of information commons environments related to their interests or areas of study. As these projects develop and gain experience, they will share their experience with the information commons community. Finally, Kranich also sees these interest groups as strong allies in future efforts to check or turn back legislative, regulatory, or judicial actions restraining the free and open access to information.

CONCLUSION

To borrow a phrase, this is not a “fair and balanced” examination of the issues inherent in

the future management of digital intellectual property. Nor was it intended to be. This book represents a sharply different viewpoint from the current system of tightly managed databases for the future management of digital intellectual property.

Several relevant issues were omitted from this discussion. For example, protecting the fidelity of the original work against misuse was not discussed. Other unanswered questions include: Will the information contained in these projects become part of the accepted content of the discipline? Who assumes responsibility for educating novices into the norms of the environment? How accepted will publishing in these projects be for the purposes of academic tenure?

The importance of this book, however, lies not in the wholesale adoption of its ideals, but in the debate that it inspires. *The Information Commons* should be required reading for college classes exploring the prickly boundaries between copyright and resource sharing or encryption and open code. It will be especially important in graduate classes concerned with the structure and format of distance education that have course modules devoted to resources. Although the Technology Education and Copyright Harmonization (TEACH) Act was designed to expand the resources available to distance education, tight restrictions still limit access for many students. *The Information Commons*, however, is openly available at the Free Expression Policy Project Web site.

It is too soon to tell how much impact *The Information Commons* will have on the future of digital information environments. Defining a path from here to the future is rarely a straight line and this journey will have to traverse rocky economic, social, and political landscapes. It will require new discourse in contexts that have yet to be invented. Partnerships will need to be formed by parties that are as yet estranged. Yet, the beginning of any journey is a single step, and this book provides that step. This book opens the debate.

REFERENCES

Kranich, N (2003) *Libraries and the information commons: A discussion paper prepared for the ALA Office of Information Technology Policy*. Retrieved December 15, 2004, from <http://www.ala.org/Template.cfm?Section=oitp&Template=/ContentManagement/ContentDisplay.cfm&ContentID=50942>