Mario Biagioli, Peter Jaszi and Martha Woodmansee (eds)

**Making and Unmaking Intellectual Property. Creative Production in Legal and Cultural Perspective**

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*Maurizio Teli*

*(Fondazione <ahref, Trento)*

There are many reasons why you, a reader of *Tecnoscienza*, can be intrigued by the book edited by Biagioli, Jaszi, and Woodmansee, and many more reasons why I, as a reader of *Tecnoscienza* and as a researcher interested in intellectual property (IP) issues in contemporary society, have found the book extremely engaging and powerful in clarifying issues and opening up new research possibilities.

In this short review, I will clarify these reasons proposing the different readings of the book that I find of interest for a young researcher facing IP issues for the first time, for scholars in the IP field, for political activists engaging with IP in their different claims and actions, and for all of us, members of the STS community.

There are two main reasons to read the book that are directly recalled by the title and the subtitle of this edited work: the focus on intellectual property and the stress on a legal and cultural perspective.

IP is not only a legal issue or a political and economical arena for social struggles, as exemplified by the Free and Open Source Software advocates or by initiatives like Creative Commons, but is primarily a promising point of view for observing the contemporary inter-relations between law (and the processes of legal production) and the results of contemporary research on the processes of knowledge production (p. 2).

To STS scholars, the IP arena is able to show how the understanding of cultural, scientific, and techno-logical production, which STS researches, journals, and books, disseminate, is widely under-estimated in the construction of the legal artefacts that rule knowledge production in contemporary society.

Therefore, IP is relevant not only (but mainly) as a global politics issue, a point of convergence of different social movements, concerned with software licences, patents regulation, environmental issues, or "indigenous people" rights, but also as a testbed for scholarship ability to influence diffused knowledge on concepts like authorship, personhood, or know-ledge production.

In particular what the essays part of the book show is that the cultural and legal aspects of IP (the subtitle main point) are irrevocably intert-wined in the practices of producing IP artefacts, IP-connected political claims, and IP research, and such comprehensive perspective is carefully able to "unmake" IP discussing how it is historically,

anthropologically, and legally, "made". The centrality of the practical production of scientific knowledge, a consolidated part of the STS panorama at least since the publication of Pickering's edited book on science, culture, and practices (1992), is the unspoken intellectual background of the essays included in the book I am reviewing for you.

My reading of the "legal and cultural perspective" gets strengthened if you approach the book as a novice on IP issues, following the structure the editors gave to the book, that unfolds collecting the twenty-three essays in "five argumentative clusters": the practical production of IP material artefacts, from patent specifications to patent drawings; a discussion of the "commons" and of "communities" as showing contemporary IP western base and as opening up perspectives for overcoming contemporary IP-based power structures; a stress on IP "crimes" as lenses through which the political roots of IP are made visible and questioned; the trajectory of objects among different categories of IP law, showing their historical discontinuity and the porosities of the IP system itself; a conclusive part on how collaborative practices are made possible by the IP system and how they contemporarily create the basis for overcoming the actual conceptualization of IP itself.

The conclusive chapter by Jaszi is summarizing these possibilities in its title, *Is There Such a Thing as Postmodern Copyright?* (413-427),

arguing for the possibility that the socially distributed critiques of IP regime are potentially being reworked by the USA legal profession, through the stress on invention and authorship as a work of *transformation* more than one of creation by the genius of the individual.

Jaszi conclusion opens up the reading of the book that is more interesting for scholars engaged with IP as a research issue, the almost ever present critique of "possessive individualism" (Macpherson 1962) as the basis of contemporary IP regime. Possessive individualism stresses how the individual skills and abilities are owned by the individual herself, who owes anything to society for them. Through the criticism of possessive individualism, the book provides a critique of liberalism as the basis for contemporary IP (and as a political vision). Almost the entire book is dedicated to show how possessive individualism is accommodated into the legal discourse, through the discursive transformation of the role of authors and inventors, changes of the description of practices in many social worlds (es. Biagioli, 25-41), from agriculture to academic work (es. Kevles, 253-268), and the insufficiency of an individualistic perspective to understand the complexity of authorship and use of cultural products in non-Western countries and cultures (es. Coombe, 79-98).

Connected to the unveiling of possessive individualism as the basis of the IP regime is the possible reading that is going to be interesting for political activists in their activity.

Such reading is the one that, through different lenses, uncovers how the IP concepts and enforcement at the global level are part of processes of reinforcement of the centrality of the western countries and of some groups of people or groups of companies in the western world itself. Such kind of political discrimination has taken and is taking place through the processes regulating the "unauthored" (Perlman, 115-132), through the construction of the "pirates" figure (Liang, p. 167-180; Woodmanse, p. 181-198), through the exclusion of multiple authorship in the character of the single inventor or author (Swanson, 41-54), and through the facilitation of some practical activities, like sampling in music (Dicola, 235-249).

Bringing together these possible perspectives and readings, the book is pointing out clearly the gap between the understanding of knowledge production and circulation developed by contemporary scholarship and the actual translation and assumptions of the IP regime on the same processes.

Actually, this is one of the main point of interest in the book for us as STS scholars, because we will find in it a great example of opening "the black box" (Latour 1987) of IP, unfolding its modernist presumptions through fascinating stories of hybrid configuration of sociomaterial networks and practices, although only a minority of the contributions are written by STS scholars or refer directly to STS literature. Never-

theless, among these fews we can find interesting case studies, like the story of the GNU GPL software license (Kelty, 133-148) and its ability to show how law and ethics are the results of practices that confront different discursive regimes; promising methodological perspective, like Lenoir and Giannella's (359-384) use of patent data in an STS quantitative approach to understanding technological platforms; interesting analysis of contemporary scientific practices, like Murray's (399-412) discussion of the changes in the science economies connected to the emergence of patents siding publiccations as credits for the academic work. In particular, Lenoir and Giannella's contribution can be stimulating for contemporary STS debates because it connects to recent trends in introducing specific forms of quantitative data analysis in the STS field, e.g. the ones on Digital Methods (Rogers, 2010).

In conclusion, *Making and Unmaking Intellectual Property* is a recommended reading for anyone, young and experienced scholars, political activists or STS researchers, who is interested in the co-evolution and the co-production of IP artefacts, presumptions, politics, and practices.

## References

Latour, B. (1987) *Science in Action,* Cambridge, MA: Harvard University Press

Macpherson, C. B. (1962) *The Political Theory of Possessive Individualism: Hobbes to Locke,* Oxford, Oxford University Press

Pickering, A. (1992) *Science as Practice and Culture,* Chicago, The University of Chicago Press

Rogers, R. (2010) *Internet Research: The Question of Method,* in "Journal of Information Technology and Policy", 7 (2/3)

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Ulrich Dolata

**Wandel durch Technik. Eine Theorie soziotechnischer Transformation**

*(Change by means of technology: A theory of sociotechnological transformation)*
2011, Campus, 170 pp.

*Paolo Volonté*

*(Politecnico di Milano)*

The face of modern society is determined not only by the technologies that we use but also by the changes that they undergo. Our lives have been marked by cars for a century but the digital revolution is now changing them more than any social movement has ever been able to do. However, it is not doing so for everybody in the same way. Technology changes the world but changes it differently for every person, because the world in which we live is never the *same* world for every individual. The example of digital technology is enlightening in this regard. In the past thirty years, the array of correlated and complementary technological innovations known as the Internet has produced conspicuous changes for human beings. But these changes have not been equally radical in all spheres of life. Consider two spheres which are substantially different: the manufacture of automobiles and the production of music (but also its consumption).

The entry of Internet into automobile manufacture has brought changes in, for example, the circulation of information between the manufacturer and its suppliers, or between the manufacturer and its sales network. In an era of the large-scale relocation of production and the massive spread of outsourcing, the Internet has become a crucial resource for the operation of the automotive industry. But, despite its enormous impact, the Internet has not provoked radical transformations in the sector. Instead, it has become an important tool with which to support the car industry's existing organizational, institutional, and structural bases.

Something very different has occurred in the field of music production. Until the end of the 1990s the sector was dominated, from the technological point of view, by the compact disc. Because this device was not easily duplicated, it