

BOOK REVIEW: The struggle for control of the Internet is a modern version of the range war, says David Bollier

Public or Private?

BY PETER MCGRATH

IT'S ALMOST HUMAN NATURE: if you're allowed the use of something for enough time, you begin to think you have a right to it, even that you own it. Take broadcast television. Its signals travel by means of the electromagnetic spectrum, specifically that segment known colloquially as the airwaves. The spectrum is a fact of the physical universe. Capital didn't create it. It can't be improved by way of adding value. It's inherently a public resource.

Yet broadcasters treat it like a birthright. When in 1996 they won new frequencies for high-definition television—at no charge—they were allowed to retain their old spectrum allotments until 2006, or until 85 percent of U.S. households had digital sets, whichever came later. Then they were supposed to give it back to the public. Don't count on it. Broadcasters would like to use their old spectrum for e-commerce, or resell it to others. "They used to rob trains in the Old West," said Sen. John McCain of the FCC giveaway. "Now we rob spectrum."

The electromagnetic spectrum is a prime example of what David Bollier calls a "commons" in his provocative new book, "Silent Theft: The Private Plunder of Our Common Wealth" (260 pages. Routledge. \$26). Historically, the word "commons" referred to real estate—public grazing grounds or tidewater fisheries. Today the term describes not only land such as national forests, but also intangible assets like the human-gene sequence. Bollier argues that in case after case of a resource once held to belong to all, private interests are eroding public ownership. Is there oil in the Arctic National Wildlife Refuge? Let industry appropriate the land. Is there money to be made in manipulating the gene sequence? Let biotechnology firms patent it. Tension between private and public inter-



IT'S THE FOREST, NOT THE TREES: Author and critic David Bollier outside his home in Amherst, Mass.

ests is as old as the republic, Bollier admits. "But today we live in a troubling new stage of this struggle that differs in scope and ferocity from previous ones."

Nowhere is this trend more apparent than with the Internet, says Bollier: "Never has there been a commons as big, robust and socially creative." Yet companies like Microsoft seek to impose proprietary technical standards for Internet access while firms like AOL try to enclose the Web experience within digital walls that resemble those of a shopping mall. And why not? asks Silicon Valley. Its dominant view is that "government" and "innovation" are mutually exclusive terms.

Against this is an inconvenient fact: private companies did nothing to invent the Internet. It was the product of a partnership between universities and the Feds. The process employed campus-based and taxpayer-funded computer scientists—with their professional ethic of open access to research—to design the system. As a result,

writes Bollier, the Net exhibits all the qualities of a commons. Its designers and end-users were the same people. They developed technical standards that were open to all. And they thought of themselves as a community based on no-cost access to the network. Business hardly noticed. There was no money in a bare-bones, text-based medium of exchange.

Then came the World Wide Web. It adapted the Internet to the graphical-user interfaces pioneered by the Macintosh operating system and universalized by Windows. Business awoke. The Internet as a visual medium: that had commercial potential. A tiny company called Netscape—not the Raptor from Redmond—began privatizing the Web by tweaking the government-supported Mosaic browser just enough for the upstart plausibly to claim it had made a new product. Then Microsoft fought back. Everything that has happened since, both in the marketplace and in court, has been a modern range war, echoing the 19th-century struggle between ranchers and farmers over who had the right to appropriate public property.

The Internet is only one place where public goes private. Take the drug business. Bollier cites the cancer-treatment drug Taxol, developed with federal funds and derived from trees found on federal lands, but appropriated by Bristol-Myers Squibb because it had the \$1 billion needed to bring Taxol to market. Then there's the attempt to patent and thus privatize information about the human-gene sequence. If anything is by nature public information, it's the genetic code by which we exist. But business doesn't see it that way.

Bollier can be tendentious. He goes out of his way to endorse market forces, but you can tell his heart isn't really in it. He dislikes privatization so much that he deplores the corporatization of stadium names (Enron Field in Houston) equally with Microsoft's capture of the Internet—as though the Houston Astros weren't a corporation to begin with. Still, Bollier raises issues that almost nobody wants to talk about anymore. If he's not always right, he's always on target. ■