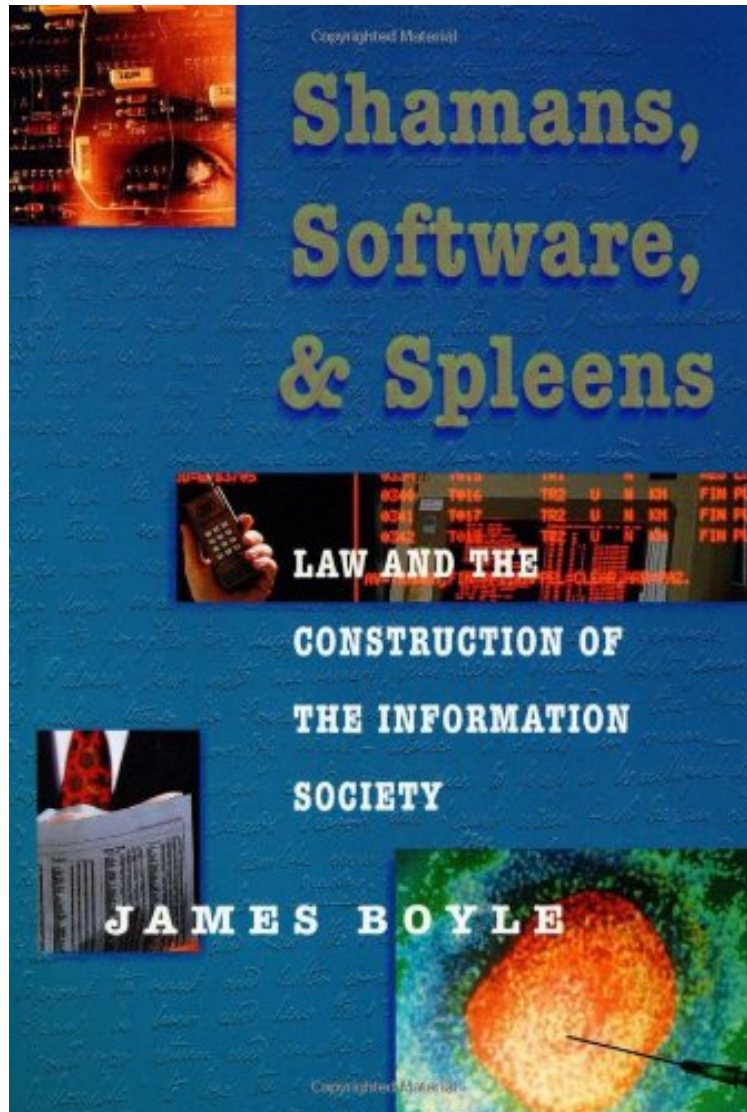


Shamans, Software and Spleens : Law and the Construction of the Information Society

James Boyle

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James Boyle : Shamans, Software and Spleens : Law and the Construction of the Information Society before purchasing it in order to gage whether or not it would be worth my time, and all praised Shamans, Software and Spleens : Law and the Construction of the Information Society:

5 of 5 people found the following review helpful. Information Economics meets Legal Realism By Ian Murray In a wonderful exposition of contemporary thinking on how markets and institutions produce and distribute information

and knowledge, James Boyle gives readers some powerful analysis and some of the conceptual tools they'll need to make the Judge Posner's and Richard Epstein's of the world squirm a bit given their desire to wish away the complex issues Legal Realism raised regarding property and contract law. Markets, property, privacy, information and knowledge are all social constructs which generate asymmetries of power and Professor Boyle shows the potential for mischief that may occur if workers, citizens, economists and attorneys refuse to rethink what kind of power relations, if any, are consistent with democratic norms. By looking at such issues as "what is an author" [what is epistemic agency] and the issue of self-ownership of our bodies, Boyle creates a collage of juxtapositions that are of immense relevance to issues such as whether what happened at Enron and other corporations is a manifestation of insider trading, what shall be the scale and scope of patents and copyrights given the need to balance "efficiency" and equity and access, how shall we handle the commodification of our bodies and thoughts? All of these are tough issues that are never going to go away and Boyle's choice of using Legal Realism as mode of inquiry into how we will shape the future of entitlements to knowledge and its pecuniary benefits is probably the best choice that can be made for those who see glaring limitations in libertarianism. The one topic, that in my view is critical for carrying the discussion forward, yet is missing from Boyle's analysis, is employment contracts. The self-ownership thesis as applied to the knowledge in workers heads, as Kenneth Arrow, Michael Perelman, David Ellerman and others have pointed out, raises difficult issues for corporate governance and the rights of workers. Information economics has many unexplored vistas related to labor law; who owns the knowledge of the firm, under what conditions are workers entitled to privacy from their fellow workers - an immense topic given how corporate hierarchies generate huge asymmetries of power at work and the resulting distribution of income. Hopefully Professor Boyle and his colleagues will take up these critical issues in the future. As for the other reviewers anxieties concerning Karl Marx, their fears are completely unfounded. 7 of 7 people found the following review helpful. excellent, read it. By A Customer Simply the best book on the problems of the category 'information' as used in the popular terms 'information economy' or 'information society'. Boyle details both the legal and economic incoherencies of the term in detail. As the reviews above point out there is much fascinating detail about the procedures of copyright and intellectual property law in action. It is true that some people won't like this book, and will raise their hands in horror at the mentions of Marx, but this is their loss. The fact that Marx has been used to justify totalitarian states doesn't mean he doesn't have interesting things to say on occasion, and the book is hardly doctrinaire 'marxist'. There are ethical and analytic problems in our current usage of copyright, which will absolutely cripple any attempts to implement the "information wants to be free" slogan, and there's no reason to think that leaving these problems to the market or the law courts alone will solve them. I know of no other author who has really tried to grip with these problems- so even if you are going to disagree with him, read him. If it doesn't make you think, I don't know what will. 4 of 8 people found the following review helpful. A brilliant analysis of law, information and the market. By A Customer I have both just finished Boyle's book and his Torts class at Washington College of Law. Boyle's analysis is strikingly clear. Taking as one of his launching-off points the important California Supreme Court decision in Moore V. Regents of California, Boyle tackles issues ranging from the commodification and distribution of information to the creation of legally protected property interests in biology. He exposes that courts make decisions based not so much on ahistorical, immutable legal principles but on policy considerations often directly related to contemporary trends in economic thinking. Boyle, despite several references to Marx, is a defender of a uniquely American kind of privatized safety regime in the form of the tort system. This has confused careless readers as evidenced by Huber in the pages of the NYT.

Who owns your genetic information? Might it be the doctors who, in the course of removing your spleen, decode a few cells and turn them into a patented product? In 1990 the Supreme Court of California said yes, marking another milestone on the information superhighway. This extraordinary case is one of the many that James Boyle takes up in *Shamans, Software, and Spleens*, a timely look at the infinitely tricky problems posed by the information society. Discussing topics ranging from blackmail and insider trading to artificial intelligence (with good-humored stops in microeconomics, intellectual property, and cultural studies along the way), Boyle has produced a work that can fairly be called the first social theory of the information age. Now more than ever, information is power, and questions about who owns it, who controls it, and who gets to use it carry powerful implications. These are the questions Boyle explores in matters as diverse as autodialers and direct advertising, electronic bulletin boards and consumer databases, ethno-botany and indigenous pharmaceuticals, the right of publicity (why Johnny Carson owns the phrase "Here's Johnny!"), and the right to privacy (does J. D. Salinger "own" the letters he's sent?). Boyle finds that our ideas about intellectual property rights rest on the notion of the Romantic author--a notion that Boyle maintains is not only outmoded but actually counterproductive, restricting debate, slowing innovation, and widening the gap between rich and poor nations. What emerges from this lively discussion is a compelling argument for relaxing the initial protection of authors' works and expanding the concept of the fair use of information. For those with an interest in the legal, ethical, and economic ramifications of the dissemination of information--in short, for every member of the information society, willing or unwilling--this book makes a case that cannot be ignored.

.com In 1990 the Supreme Court of California ruled that DNA extracted from a spleen removed from your body could be patented--one of many court precedents to define the emerging laws of cyberspace. Boyle explores such seemingly weird decisions as well as legal issues surrounding autodialers, direct advertising, consumer databases, ethnobotany, the right of publicity, and the right to privacy. Boyle argues that contemporary ideas about intellectual property are based on a Romantic notion of selfhood that is outmoded and counterproductive in our information-based society, a society in which--as someone else probably said before the phrase was popularized by Stewart Brand--"information wants to be 'free.'"From Scientific AmericanThis is an exciting and suggestive study. The subject--intellectual property in the `information age'--is as timely as one can imagine, and Boyle has very interesting things to say on a variety of relevant topics...There has been nothing so far quite like Boyle's study, which goes beyond copyright issues in its concern and which provides many new insights into the practical significance of the romantic author paradigm.From The New YorkerWhy does James Boyle include `Spleens' in the title of this bold book? You'll have to read at least Chapter 9 to find out. If you read more, you'll discover any number of acute insights about any number of things--all linked by a capacious concern with rights in information.