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Hyde's Gravity

by *Chris Michel*

Lewis Hyde

Common As Air: Revolution, Art, and Ownership

Farrar, Straus and Giroux, 2010

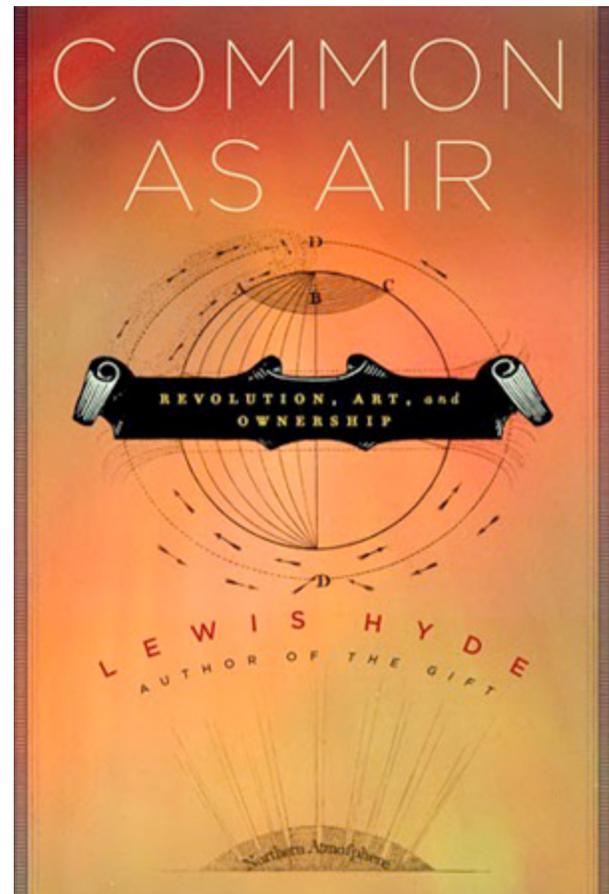
I am a dedicated reader. As I type this in my tiny New York apartment, there is a wall of bookshelves behind me—at eight feet tall and nine feet wide, the largest furniture I own—testifying to this fact. Books cover every available surface in my apartment. I clear books away in order to eat at my kitchen table, or sit on my couch. In the middle of the night, I roll over, and knock books off the bed. And I am a reader with catholic appetites: Roland Barthes and J. K. Rowling rub elbows in my literary universe. Richard Bach and Mary Karr converse. I read running manuals and earth science tracts, political reportage, murder mysteries, poetry, fiction, theory, trash.

Despite this, or perhaps because of it, it's hard for me to describe any one book as "necessary." Books in general are vital, of course, to a well-lived life. Any given book may be instructive, entertaining, engaging, or distracting. It may be satisfying or disappointing. It may be wondrous, even deeply moving. But necessary? That's a lot to attribute, even to a great book. To call a book necessary is to claim that it serves some essential function in our lives—some function that could or would not otherwise operate. That's a tall order.

Which is why it feels so strange that "necessary" is the best and only real adjective to describe Lewis Hyde's latest work, *Common As Air*. This is a book that, if read by enough people, would reenergize this American experiment in creating a "more perfect union" that we desperately need to address, as we seem to be setting it aside in favor of a much more modest strained confederacy of individualisms.

The book, like any great work, is difficult to summarize. At its most reduced, it is a look at modern intellectual and creative copyright law, contrasted with the words of our founding fathers, especially James Madison, Thomas Jefferson, and Ben Franklin. It is also a rebuttal, of sorts, to Garrett Hardin's seminal 1968 article in *Science*: "The Tragedy of the Commons" which has been used by many seeking to place all property in the hands of private interests. But neither of those previous sentences even hint at the exciting and revolutionary sense of possibility that comes from Hyde's clear and cogent explanation of how the Founders envisioned preserving America's intellectual and cultural resources, and how perfectly modern technology has made even their wildest dreams possible, if and when the political and cultural will arises. There are parts of this book that, reading them, will make one wish desperately for the better world implied.

I came to this book having read Hyde's first work, an excellent and wide-ranging treatise on art, commerce, and culture called *The Gift*, which was first published in 1979, and has remained in print ever since. *The Gift* explores historical alternatives to the commercial market—Native American gift-giving culture predominately—in order to make the argument that art is often too crudely delimited in the commercial market. That is to say that the price a painting, song, or poem fetches has little to do with its value—its ability to make impact or meaning in a person's life. Art, which creates personal connections, works better in the gift-economy where



transactions create bonds (I give you a gift and it affirms our friendship), as opposed to the commercial economy where exchange is designed to be unencumbered by personal connection (I buy your product; we remain strangers).

The Gift is an important book, erudite and researched, and it is about more than the above summation. But with that as my frame of reference, I expected that *Common As Air* would be, while erudite and researched, a continuation of that argument updated for the internet age. I expected Hyde to make some version of the case that artists should take their products out of the economy, take advantage of the possibilities of instantaneous dissemination, remove themselves from copyright ties, and stop trying to sue everyone over every little downloaded song or movie. I was mistaken.

Those looking for justification for their illegal downloading habits will be disappointed. In fact, those looking for any kind of quick or easy answers will be disappointed. Instead, *Common As Air* serves as a primer on the historical purpose of copyright, and the ways it can (and has) helped or hindered society. Hyde peppers the book with examples of people using copyright to stifle thought they disagree with, or to fleece people. But he is no polemicist, and he also shows that copyright, when used effectively, increases innovation and brings new ideas into the public sphere.

In fact, the purpose as the Founders imagined it was not solely to benefit the individual, but to provide an incentive (a short-term monopoly) in exchange for making information on inventions or new ideas public, and thus moving the information as quickly as possible into the public sphere. Before copyright, most innovation was protected by guilds who maintained strict trade secrets, and innovation was relatively rare. By allowing private individuals to have more or less permanent control over the dissemination of certain ideas, we risk returning to a period of low innovation, where each new idea is trapped in a legal morass by those hoping to quash it, or control it for their own profit.

As Hyde explains, the sphere of public knowledge—that informational commons, accessible to any citizen, was and is like many different kinds of commonly-held property, in that having access to it also means having duties to it. Persons who had rights to fish or farm or graze their herd on common pasture had duties to maintain it as well, to make sure it remained accessible, and to “beat the bounds” by participating in a yearly patrolling of the boundaries to knock down any encroaching fence or shrub. In fact, this kind of public duty is a part of what our founders envisioned as part of the responsibilities of citizenship, designed to strengthen our allegiance to society by protecting our resources.

Hyde makes a case for the “comedy of the commons”—comedy, in this case meaning the opposite

of tragedy: and even with a happy outcome. He points out a number of instances in which commonly-held property can be (and is) better cared for and more valuable precisely because it is not privately owned, or commodified. One of his most striking examples is the right to vote. The vote exists as the right and duty of every single citizen. It is a system of equally divided responsibility, whereby each citizen maintains one small part of the job of self-governance. And it is not a commodity: voting in our democracy cannot, or should not be bought or sold, or transferred from one citizen to another. And so we hold the vote in common property. We refuse to privatize it and that refusal keeps it a working part of common governance.

Hyde makes the case that, in many instances, we've been lax in our own duties to the larger society. By letting copyright laws grow stronger we've allowed them to encroach more and more into the field of public knowledge. Without a strongly defended commons of public knowledge, we weaken our allegiance to our communities and impoverish ourselves. When we allow private copyright holders the authority to silence others with the threat of lawsuit, for decades after their idea has been made public, we give them the despotic power of monarchs and tyrants, and weaken the strength of our democratic system.

Common As Air speaks to the necessity of clearly delineating and defending our national informational heritage. While it would make terrible sense to remove all incentives to creation or publication, it's also clear that everyone benefits when we have access to a widely available store of public information. This is the foundational idea of our Library of Congress, and the U.S. Patent Office. And now, it is possible to hold and disseminate freely available public inventions, and writing, even faster than ever before. Our goal should be to protect this knowledge, to move new knowledge into it as quickly as possible, for the edification of all our citizens. These are public resources that have, it seems, fallen prey to the designs of private interests. It's time we renewed our sense of duty to the commons, and re-committed ourselves to walking the borders, and beating the bounds.