

Sebastian Haunss, Conflicts in the Knowledge Society The Contentious Politics of Intellectual Property

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Book Review

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- 1 For a long time, intellectual property law could have been characterized as a secret science practiced by a handful of highly specialized lawyers. However, those days of mostly undisturbed discussions within the epistemic community, as social scientists would call it today, are past, at least since the 1960s when economists started to analyze the incentives and social costs associated with intellectual property rights. Their research results were neglected by the (European) intellectual property research mainstream for a long time, but in the last twenty years they have been widely recognized and discussed. Today intellectual property lawyers, at least those active in academia, are trained to understand and use arguments and models developed by economists. But what is still missing in most scientific works on intellectual property is a mindful reception of social science research efforts in the field. One of the recent studies on IP that is rooted in social science but still bite-sized for legal scholars is Sebastian Haunss' monograph on conflicts in the knowledge society.
- 2 Haunss starts from the basic assumption that IP has become more political in the last decades. This politicization is based on four broad processes: the growing economic importance of knowledge-based industries, the growing internationalization of IP issues, the growing attention towards IP issues by

non-specialists and the trend towards personalize IP. He sees this politicization of IP as part of a more fundamental process of social change that is associated with the knowledge society. The ongoing change in the social structure of the former industrial societies alters the overall structures of social conflicts. These conflicts revolve around two meta issues: inclusion/exclusion and the mode of production of knowledge. After this general part (chapters 1-3, p. 1-93), which provides the reader with a very valuable discussion of current theories of the knowledge society, the author presents four case studies on current conflicts in the knowledge society, namely software patents in Europe (chapter 4), access to medicines (chapter 5), and two shorter studies on pirate parties and creative commons (chapter 6). These case studies are again of high value – especially for readers from law departments. Haunss' reports are based on in-depth research on the actors involved, the creation of their networks and the frames shared by the actors. This analysis not only helps the reader to better understand how the initially dispersed actors have been successful in aggregating new forms of collective actions. It is also useful for legal scholars to get a glimpse into the current methodology used by political scientists. Of special interest are the illustrations of the different networks of actors (e.g. on p. 124-126, 168, 172).

- 3 In his conclusion (chapter 7), Haunss rightly emphasizes that the presented conflicts – despite their obvious differences in terms of issues, protagonists, action forms and geography – are characteristic of the knowledge society and are addressed in a consistent pattern: they all question the existing IP regime and its underlying property order of the knowledge society; they are all transnational; they did not develop along the cleavages of the industrial age, e.g. labour-capital or left-right. Still, Haunss is prudent enough to conclude that these and other similarities do not suffice to recognize the actors in the presented conflicts as the core of a real social movement within the knowledge society. The actors and networks active in the presented conflicts have failed so far to mobilize large constituencies beyond the circle of activists engaged in the specific issues.
- 4 In sum, the study is a clear “must” for all IP specialists with an interest in the political dimension of IP.